

FILE DESCRIPTION



SUBJECT

Thurgood Marshall

FILE NO.

Headquarters file 44-HQ-10894

VOLUME NO.

1

b7C

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

OCT 1 - 1956

TELETYPE

FBI, DALLAS 10-1-56 340 PM CST MH
DIRECTOR

Mr. Tolson	_____
Mr. Nichols	_____
Mr. Boardman	_____
Mr. Belmont	_____
Mr. Mohr	_____
Mr. Parsons	_____
Mr. Rosen	_____
Mr. Tamm	_____
Mr. Trotter	_____
Mr. Tele. Room	_____
Mr. Holloman	_____
Miss Gandy	_____

URGENT

UNSUBS, TEXAS RANGERS, THURGOOD MARSHALL, COMPLAINANT, CR. BY AGREEMENT OF OPPOSING COUNSEL AND COURT, CASE OF BELL VS. RIPPY BEFORE FEDERAL JUDGE ATWELL, DALLAS, TODAY WAS CONTINUED UNTIL NOV FOURTEEN NEXT IN VIEW OF NAACP LITIGATION, TYLER, TEXAS.

END

5-41 PM OK FBI WA H SH

V

Mr. Rosen

67 OCT 10 1956

RECORDED-18

20 OCT 3 1956

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Keep aware of this info. as set out in memo of 10/1/56

4-119

cc file. Sup

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

OCT 1 - 1956

TELETYPE

b7c

FBI WASH DC 10-1-56 6-48PM

SAC, DALLAS URGENT

UNSUBS, THURGOOD MARSHALL, COMPLAINANT, CR. REURTEL SEPTEMBER THIRTY
INFORMATION RECEIVED BY DEPARTMENT THAT HEARING SCHEDULED FOR TODAY
FEDERAL COURT POSTPONED UNTIL NOVEMBER FOURTEEN NEXT. DEPARTMENT DE
SIRES INTERVIEWS CONDUCTED WITH PLAINTIFFS WHO WERE QUESTIONED BY ST
OFFICIALS AS WELL AS THOSE PLAINTIFFS WHO, NOT PREVIOUSLY QUESTIONED
BY STATE OFFICIALS, WERE BROUGHT BEFORE COURT OF INQUIRY AT DALLAS
SEPTEMBER TWENTYNINE LAST. THESE INDIVIDUALS SHOULD BE THOROUGHLY
INTERVIEWED TO ASCERTAIN IN DETAIL THE MANNER IN WHICH THEY HAD BEEN
INTERVIEWED, SPECIFIC STATEMENTS OR QUESTIONS MADE BY STATE OFFICIALS
AS WELL AS SPECIFIC STATEMENTS OR QUESTIONS RAISED AT THE COURT OF
INQUIRY. THIS MUST BE AFFORDED IMMEDIATE AND CONTINUOUS INVESTIGATION
ATTENTION. INASMUCH AS THIS INVOLVES ALLEGATION AGAINST THE STATE
OR HIS REPRESENTATIVES THE GOVERNOR OF THE STATE OF TEXAS AND THE
STATE AG MUST BE ADVISED AT THE OUTSET THAT THIS INVESTIGATION IS
BEING CONDUCTED AT THE SPECIFIC REQUEST OF WARREN OLNEY III, AAG IN
CHARGE OF CRIMINAL DIVISION. IF ANY INFORMATION DEVELOPED THAT TEX
RANGERS PARTICIPATED IN ANY MANNER YOU MUST IMMEDIATELY ADVISE
HEAD OF RANGERS. KEEP BUREAU FULLY INFORMED OF ALL DEVELOPMENTS.
HOOVER

END ACK

OK FBI DL JEH

69

OCTOBER 1, 1956

TELETYPE

URGENT

SAC, DALLAS

UNSUBS, THURGOOD MARSHALL, COMPLAINANT, CR. REURTEL
SEPTEMBER THIRTY. INFORMATION RECEIVED BY DEPARTMENT THAT
HEARING SCHEDULED FOR TODAY IN FEDERAL COURT POSTPONED UNTIL
NOVEMBER FOURTEEN NEXT. DEPARTMENT DESIRES INTERVIEWS
CONDUCTED WITH PLAINTIFFS WHO WERE QUESTIONED BY STATE
OFFICIALS AS WELL AS THOSE PLAINTIFFS WHO, NOT PREVIOUSLY
QUESTIONED BY STATE OFFICIALS, WERE BROUGHT BEFORE COURT
OF INQUIRY AT DALLAS SEPTEMBER TWENTYNINE LAST. THESE
INDIVIDUALS SHOULD BE THOROUGHLY INTERVIEWED TO ASCERTAIN IN
DETAIL THE MANNER IN WHICH THEY HAD BEEN INTERVIEWED, SPECIFIC
STATEMENTS OR QUESTIONS MADE BY STATE OFFICIALS AS WELL AS
SPECIFIC STATEMENTS OR QUESTIONS RAISED AT THE COURT OF INQUIRY.
THIS MUST BE AFFORDED IMMEDIATE AND CONTINUOUS INVESTIGATIVE
ATTENTION. INASMUCH AS THIS INVOLVES ALLEGATION AGAINST THE
STATE AG OR HIS REPRESENTATIVES THE GOVERNOR OF THE STATE
TEXAS AND THE STATE AG MUST BE ADVISED AT THE OUTSET THAT
THIS INVESTIGATION IS BEING CONDUCTED AT THE SPECIFIC REQUEST
OF WARREN OLNEY III, AAG IN CHARGE OF CRIMINAL DIVISION. IF
ANY INFORMATION DEVELOPED THAT TEXAS RANGERS PARTICIPATED IN
ANY MANNER YOU MUST IMMEDIATELY ADVISE HEAD OF RANGERS. KEEP

RECEIVED
DIRECTOR'S OFFICE

Tolson
Nichols
Boardman
Belmont
Mohr
Parsons
Rosen
Tamm
Nease
Winterrowd
Tele. Room
Holloman
Gandy

DEPT. OF JUSTICE
COMMUNICATIONS SECTION
RECEIVED

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TELETYPE

6-4

BUREAU FILED
INVESTIGATION

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Cover memo Price to Rosen, same caption, 10-1-56,

67 OCT 10 1956

REC'D-READING ROOM

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FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

OCT 1-

TELETYPE

FBI, DALLAS

10-1-56

10-29 AM CST

DIRECTOR, FBI

URGENT

UNSUBS, TEXAS RANGERS, THURGOOD MARSHALL - COMPLAINANT, CR. RED TELETYPE
YESTERDAY. USA FLOORE, NDT, STATES OPINION NO CR VIOLATION INDICATED
ON BASIS AVAILABLE INFORMATION.

MURPHY

END

SS

12-29 PM OK FBI WA SH

RECORDED-31

OCT 3 1956

Mr. Rosen

b7C

Mr. Tolson	
Mr. Nichols	
Mr. Boardman	
Mr. Belmont	
Mr. Mohr	
Mr. Parsons	
Mr. Rosen	
Mr. Tamm	
Mr. Winterrowd	
Tele. Room	
Mr. Holloman	
Miss Gandy	

44-10794-3

at DL

10-1-56

b7C

61

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Rosen

DATE: October 1, 1956

FROM : Mr. Price *gjp*

Times of calls, 8:00 P.M. & 8:55 P.M.

SUBJECT: UNKNOWN SUBJECTS;
 THURGOOD MARSHALL, COMPLAINANT
 CIVIL RIGHTS

SAC Murphy, Dallas, called during the evening of 10-1-56 and stated that in his opinion, when he advised the Governor of Texas and the State Attorney General on 10-2-56 that the Bureau would be conducting investigation in this matter, they would thereafter make a press release to this effect. SAC Murphy desired to know how to answer any press inquiries received.

ACTION TAKEN:

SAC Murphy was instructed to answer any press inquiries received to the effect that we were conducting investigation in this matter on the specific instructions of Warren Olney III, Assistant Attorney General, Criminal Division, Department of Justice, so that termination may be made whether there has been a violation of any Federal Civil Rights Statutes. This was approved by Mr. McGuire of Mr. Nichols' office.

cc: Mr. Nichols

RECORDED-59

EX-108

51 OCT 12 1956

Tolson ☒
 Boardman ☒
 Belmont ☒
 Ladd ☒
 Nichols ☒
 Rosen ☒
 Tracy ☒
 Harbo ☒
 Winterrowd ☒
 Tele. Room ☒
 Holloman ☒
 Gandy ☒

OCT 11 1956

October 2, 1956

Airtel

RECORDED-3

SAC, Dallas

PERSONAL ATTENTION

UNSUBS, TEXAS RANGERS; THURGOOD MARSHALL - COMPLAINANT,
CIVIL RIGHTS.

Reurtel 10-1-56 advising that USA, NDT, was
of opinion that there was no civil rights violation
indicated on the basis of information available.

Investigation requested by Bureau phone call
of 9-30-56 was that Thurgood Marshall, complainant,
be thoroughly interviewed. This investigation was
directed by officials of the Department of Justice and
there was no need to contact USA for his opinion. The
investigation requested by Bureau teletype of 10-1-56
was also ordered by officials of the Criminal Division
of the Department and there is no need to contact the
USA for his views regarding this matter. This case must
be afforded most expeditious attention and report
submitted promptly at the completion of the investigation.

—HOOVER

Tolson _____
Nichols _____
Boardman _____
Belmont _____
Mason _____
Mohr _____
Parsons _____
Rosen _____
Tamm _____
Trotter _____
Winterrowd _____
Tele. Room _____
Holloman _____
Gandy _____

OCT 2 1956
COMM-FBI

OCT 5 4 10 PM '56
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Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Rosen *RP*

DATE: 10-9-56

FROM : Mr. Price *grr*SUBJECT: UNKNOWN SUBJECTS;
THURGOOD MARSHALL - COMPLAINANT
CIVIL RIGHTS

This is to advise that the investigation requested by the Department has been completed and the last report was furnished to the Department on 10-8-56. The Department has been requested to advise whether or not further investigation is desired.

(Marshall, Special Counsel for the National Association For the Advancement of Colored People (NAACP) originally complained to Department that individuals who had instituted suit in Federal Court against the Dallas, Texas, School Board had been intimidated by Texas Rangers and representatives of the Attorney General of the State of Texas. It was alleged that such intimidation was caused because such individuals had instituted action in Federal Court.)

(Investigation disclosed that 4 of the 24 plaintiffs in the civil action and the husband of a 5th plaintiff had been called before a court of inquiry in Dallas, Texas, on 9-29-56. Five additional plaintiffs were interviewed by representatives of the Texas Attorney General's office but did not appear before court of inquiry. Of the other plaintiffs interviewed, none had been questioned by any state officials regarding the action in Federal Court. (23 of the 24 plaintiffs were interviewed, the 24th plaintiff deserted his family in April, 1956 and his present whereabouts unknown)

(The questioning by state officials and at the court of inquiry was designed to ascertain whether the Negroes had of their own volition sent their children to the white school in Dallas and whether they had of their own volition instituted the action in Federal Court or whether such activities were encouraged or sponsored by others, particularly, the NAACP. Investigation did not disclose any use of threats against individuals.) In one instance wife of a plaintiff stated that the Deputy Constable who had subpoena for plaintiff to appear at court of inquiry on 9-29-56 had stated that if the plaintiff did not appear Constable would place him in jail. Plaintiff disregarded the instructions and has not heard anything further from state officers. One plaintiff stated that Texas Ranger, in questioning him, intimated that in filing suit against Dallas School Board he could be signing resignation from his job.)

ACTION:

The above is for information only and you will be advised as to the Department's opinion in this case.

44-10894

Tolson
Belmont
Mohr
Parsons
Rosen
Tamm
Trotter
Winters
Tele. Room
Holloman
Gandy

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ADDENDUM:

At 12:45 p.m., A. B. Caldwell telephonically advised Supervisor [redacted] that he had received information that the hearing in Federal Court had now been postponed until November 14, 1956, and Caldwell desired the Bureau to proceed with interviews with the individuals who had been questioned in this matter by state authorities and those who had been brought before the court of inquiry at Dallas on September 29, 1956.

There is attached a teletype to the Dallas Office instructing that office to interview the individuals who are plaintiffs in the civil action pending in Federal Court and who were questioned by state officials as well as those who, though not previously questioned, were brought before the court of inquiry on September 29, 1956. Dallas is being specifically instructed that inasmuch as this involves allegations against the state Attorney General that the Governor of the State of Texas and the state Attorney General are to be notified that the investigation is being conducted at the specific request of Warren Olney III, Assistant Attorney General, in charge of the Criminal Division and if information is developed that the Texas Rangers had in any way participated in this matter, the head of the Texas Rangers must be immediately advised.

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. *M*osen

DATE: 10-1-56

FROM : Mr. Price *JP*

SUBJECT: UNKNOWN SUBJECTS;
THURGOOD MARSHALL - COMPLAINANT
CIVIL RIGHTS

Supervisor [redacted] of the Civil Rights Unit conferred with Mr. A. B. Caldwell, Chief, and Mr. Henry Putzel, Attorney, of the Civil Rights Section regarding information obtained from Marshall as to alleged intimidation of individuals who are plaintiffs in a civil action pending in U. S. District Court in Dallas, Texas. Caldwell and Putzel were advised that a hearing is scheduled in Federal Court in the civil action for this date. They were furnished a summary of the information developed by the Dallas Office from its interview with Marshall and a news article that five Negro witnesses had stated in Justice of the Peace court that they did not have any knowledge their names were to be used in the suit in Federal Court to force integration in the Dallas school system.

Caldwell advised that in view of the action pending in Federal Court this date that no further interviews should be conducted at this time. He requested that the Bureau keep the Department advised of the results of the action in Federal Court. Putzel asked if Bureau Agents would observe the proceedings in Federal Court and was immediately informed by Caldwell that it is not in accordance with Bureau policy to have Agents sit in Federal Court as observers and Caldwell personally telephoned U. S. Attorney Heard L. Floore of the Northern District of Texas and instructed that he or one of his assistants observe the proceedings in the civil action in the U. S. District Court in Dallas today and advise the Department specifically whether or not the question of interviews by state authorities with the plaintiffs in the Federal suit is brought to the attention of the judge on the U. S. District Court today.

ACTION:

There is attached for your approval a memorandum to the Criminal Division confirming the conversations with Caldwell on 9-30-56 and 10-1-56 and setting forth the information developed by the Dallas Office on 9-30-56.

Enclosures *sent 10-2-56*

cc: 1 - Mr. Nichols
1 - Mr. Belmont

RECORDED - 5

11 OCT 12 1956

OCT 1 1956

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Price *gk*

DATE: October 2, 1956

FROM : E. H. Winterrowd *EHW*

Time of call: 11:35 A.M.

SUBJECT: UNKNOWN SUBJECTS;
THURGOOD MARSHALL - COMPLAINANT
CIVIL RIGHTS

Tolson —
Nichols —
Boardman —
Belmont —
Mason —
Mohr —
Parsons —
Rosen —
Tamm —
Nease —
Winterrowd —
Tele. Room —
Holloman —

SAC Murphy, Dallas, called with respect to the investigation being conducted in this matter. He had three questions:

1. Should signed statements be taken from the victims?
He was advised they should be.

2. If the victims desire to be interviewed in the presence of their attorneys, would this be permissible? He was advised that under the circumstances it would, but that in the last analysis he would have to be responsible for the circumstances under which the interview is conducted and that the attorney is the proper person in front of whom to conduct the interview.

3. If a request is made for a signed statement, should a copy be made available? He was advised that this is the proper action under current regulations but that he need not volunteer.

EHW

(4)

RECORDED - 51

44-10894-7

EX-102

OCT 12 1956

513
61 OCT 16 1956

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XXXXXX
XXXXXX
XXXXXXFEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET

1 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

- ☐ Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552Section 552a☐ (b)(1)☐ (b)(7)(A)☐ (d)(5)☐ (b)(2)☐ (b)(7)(B)☐ (j)(2)☐ (b)(3)☐ (b)(7)(C)☐ (k)(1)☐ (b)(7)(D)☐ (k)(2)☐ (b)(7)(E)☐ (k)(3)☐ (b)(7)(F)☐ (k)(4)☐ (b)(4)☐ (b)(8)☐ (k)(5)☐ (b)(5)☐ (b)(9)☐ (k)(6)☐ (b)(6)☐ (k)(7)

- ☐ Information pertained only to a third party with no reference to the subject of your request.
- ☐ Information pertained only to a third party. The subject of your request is listed in the title only.
- ☒ Documents originated with another Government agency(ies). These documents were referred to that agency(ies) for review and direct response to you.

Pages contain information furnished by another Government agency(ies). You will be advised by the FBI as to the releasability of this information following our consultation with the other agency(ies).

Page(s) withheld inasmuch as a final release determination has not been made. You will be advised as to the disposition at a later date.

Pages were not considered for release as they are duplicative of _____

☐ For your information: _____

- ☒ The following number is to be used for reference regarding these pages:

Headquarters file 44-HQ-10894-8.

XXXXXX
XXXXXX
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 XXXXXXXXXXXXXXXXXXXXXXXX
 X DELETED PAGE(S) X
 X NO DUPLICATION FEE X
 X FOR THIS PAGE X
 XXXXXXXXXXXXXXXXXXXXXXXX

FBI/DOJ

18

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

OCT 2 - 1956

TELETYPE

FBI, SAN ANTONIO

10-2-56

11-25

DIRECTOR, FBI AND SAC, DALLAS

URGENT

Mr. Tolson
Mr. Nichols
Mr. Boardman
Mr. Belmont
Mr. Mohr
Mr. Parsons
Mr. Rosen
Mr. Tamm
Mr. Trotter
Mr. Tele. Room
Miss Gandy

UNSUBS, THURGOOD MARSHALL, COMPLAINANT, CR. RE DL TELETYPE TO
SA OCTOBER ONE LAST. MR. DAVIS GRANT, FIRST ASSISTANT ATTORNEY

GENERAL, ATTORNEY GENERAL-S DEPARTMENT, STATE OF TEXAS, MR. JOHN
OSORIO, ADMINISTRATIVE ASSISTANT TO GOVERNOR ALLAN SHIVERS,
GOVERNOR-S OFFICE, STATE OF TEXAS, AND COL. HOMER GARRISON,
DIRECTOR, TEXAS DEPARTMENT OF PUBLIC SAFETY, AUSTIN, TEXAS,
ADVISED ON MORNING OCTOBER TWO INST. THURGOOD MARSHALL-S
COMPLAINT THAT INTERVIEW BEING CONDUCTED BY DL OFFICE WITH
PLAINTIFFS WILL BE QUESTIONED BY STATE OFFICIALS AND THOSE
BROUGHT BEFORE COURT OF INQUIRY AT DALLAS SEPT. TWENTY NINE.

WERNER

END AND ACK PLS ON ON ROLL CALL

DL OK FBI DL AV

NA 1-27 PM OK FBI WA JP

VTU

2 DEPT OF JUSTICE

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OCT 5 1 58 PM '56
OCT 7 1956

OCT 12 1956

RECEIVED
NOV 1 1956

RECEIVED
NOV 5 1956

69

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Rosen *Ru*

DATE: October 2, 1956

FROM : Mr. Price *DPK*

Time of call, 7:50 P.M.

SUBJECT: UNKNOWN SUBJECTS;
THURGOOD MARSHALL, COMPLAINANT,
CIVIL RIGHTS

Tolson	_____
Nichols	_____
Boardman	_____
Belmont	_____
Mohr	_____
Parsons	_____
Rosen	_____
Tamm	_____
Nease	_____
Winterrowd	_____
Tele. Room	_____
Holloman	_____
Gandy	_____

During the evening of 10-2-56, SAC Murphy, Dallas, telephonically contacted the Bureau to advise that 16 of the 24 plaintiffs had been interviewed so far in this matter, and it was expected that the remaining interviews would be completed during the evening of 10-2-56. SAC Murphy stated that all interviewed have reported no instances of any intimidation. According to SAC Murphy, all persons interviewed have been cordial; no difficulties encountered; and no publicity given to interviews to date.

SAC Murphy stated that upon completion of the interviews, he will furnish the Bureau a teletype summary.

(6)

NOTED - 10-2-56

OCT 3 8 50 AM '56

RECORDED - 51 44-10894-10

OCT 12 1956

60 OCT 17 1956

170

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

OCT 2 - 1956

TELETYPE

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Mr. Tolson	_____
Mr. Nichols	_____
Mr. Boardman	_____
Mr. Belmont	_____
Mr. Mohr	_____
Mr. Parsons	_____
Mr. Rosen	_____
Mr. Tamm	_____
Mr. Winterrowd	_____
Tele. Room	_____
Mr. Holloman	_____

FBI, DALLAS 10-2-56 939 PM CST
DIRECTOR, FBI URGENT

UNSUBS, THURGOOD MARSHALL, COMPLAINANT, CR. (TWENTYTWO OF TWENTYFOUR PLAINTIFFS IN BELL VS. RIPPY INTERVIEWED. TWO REMAINING NOT IMMEDIATELY AVAILABLE. ONLY FOUR PLAINTIFFS AND HUSBAND OF ANOTHER PLAINTIFF APPEARED IN COURT OF INQUIRY. ONLY FOUR ADDITIONAL PLAINTIFFS QUESTIONED BY ASST. AG-S. NONE ALLEGE INTIMIDATION OF ANY TYPE BY AAGS. /

QUESTIONED BY AAG AND TEXAS RANGER AT PLACE OF EMPLOYMENT, FEELS POSSIBLE ECONOMIC PRESSURE INTENDED BY RANGER BY REMARKS SET OUT PAGE NINE, DL RPT. SA OCT. ONE LAST.

PAGE TEN OF RPT, STATES DEPUTY CONSTABLE APPEARED AT RESIDENCE MORNING OF SEPT TWENTYNINE LAST AND NOT FINDING AT HOME STATED HAD SUBPOENA FOR TO COURT OF INQUIRY AND IF DID NOT APPEAR WOULD BE THROWN IN JAIL UNTIL FOLLOWING MONDAY SO COURT WOULD KNOW WHEREABOUTS. DISREGARDED AND HAS HEARD NOTHING FURTHER.

MURPHY

END ACK PLS

11-41 PM OK-FBI WA BW

DISC

RECORDED - 24

44-10894-11

Mr. Rosen advised 10/3/56

158
61 OCT 16 1956

Mr. Rosen

cc - Sub.

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

OCT 2 - 1956

TELETYPE

FBI, DALLAS 10-2-56 1210 PM CST

DIRECTOR AND SAC, SAN ANTONIO

URGENT

CIVIL RIGHTS
UNSUBS, THURGOOD MARSHALL, COMPLAINANT, CR. REBUTEL OCT ONE, FIFTY-SIX. JOHN BEN SHEPPERD, TEXAS ATTORNEY GENERAL, HAS TELEPHONICALLY ADVISED ^{DALLAS} DL OFFICE OF HIS RECEIPT OF INFORMATION FROM ^{SAN ANTONIO} SA OFFICE THAT INVESTIGATION IS IN PROGRESS. HE STATED HE HAS A COPY OF THE TRANSCRIPT OF TESTIMONY OF COURT OF INQUIRY HELD SEPT TWENTYNINE LAST, AND WOULD MAKE SAME AVAILABLE IF DESIRED. FURTHER ADVISED HE PLANS TO CONTINUE SUCH COURT OF INQUIRY AT DALLAS EITHER OCT THREE OR FOUR. STATED WOULD BE HAPPY TO HAVE BUREAU REPRESENTATIVE AT SUCH COURT OF INQUIRY. HIS OFFER WAS TACTFULLY DECLINED. [REDACTED] TEXAS RANGERS, DL, IN GENERAL CONVERSATION THIS DATE ADVISED THAT WHEN THE TWO ASSISTANT ATTORNEY GENERALS OF TEXAS WERE HERE TO INTERVIEW WITNESSES, THEY DID NOT HAVE TRANSPORTATION AND HE ASSIGNED RANGERS [REDACTED] AND [REDACTED] TO PROVIDE TRANSPORTATION FOR THEM IN CONDUCTING SUCH INTERVIEWS.

SA TO BE ADV

Mr. Rosen

END

2-15 PM OK FBI WA MES

cc Phil [unclear]

RECORDED-125

MURPHY

OCT 2 1956

72

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

OCT 3 - 1956

TE [REDACTED]

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FBI, WASH DC 10-3-56 4-12 PM [REDACTED]
SAC, DALLAS URGENT

UNSUBS, THURGOOD MARSHALL, COMPLAINANT, CR. REURTELS
OCTOBER TWO LAST. DEPARTMENT REQUESTED INTERVIEWS WITH
PLAINTIFFS WHO HAD BEEN QUESTIONED BY TEXAS OFFICIALS
AND WITH THOSE PLAINTIFFS WHO HAD BEEN BROUGHT BEFORE
COURT OF INQUIRY AT DALLAS, SEPTEMBER TWENTYNINE LAST,
EVEN THOUGH SAME HAD NOT BEEN PREVIOUSLY QUESTIONED BY
TEXAS OFFICIALS. IF TWO REMAINING PLAINTIFFS WHO ARE
NOT IMMEDIATELY AVAILABLE ARE NOT KNOWN TO HAVE BEEN
QUESTIONED BY THE ASSISTANT AGS OR TO HAVE APPEARED
BEFORE THE COURT OF INQUIRY, THERE IS NO NEED TO CONDUCT
ADDITIONAL INVESTIGATION LOCATE THEM. SUREP WITHOUT
FURTHER DELAY. IN THE EVENT ADDITIONAL COURTS OF INQUIRY
ARE HELD EITHER OCTOBER THREE, OCTOBER FOUR, OR ANY DATE,
ADVISE BUREAU OF SUCH INFORMATION AND FURNISH TWO COPIES
OF ANY PRESS ARTICLES CONCERNING SUCH COURTS.

HOOVER

END AND ACK

. OK FBI DL EM -

THIS IS FBI TELETYPE

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

OCT 3 1956

TELETYPE

Mr. Tolson	_____
Mr. Nichols	_____
Mr. Boardman	_____
Mr. Belmont	_____
Mr. Mohr	_____
Mr. Parsons	_____
Mr. Rosen	_____
Mr. Tamm	_____
Mr. Trotter	_____
Mr. Nease	_____
Mr. Winterrowd	_____
Tele. Room	_____
Mr. Holloman	_____
Miss Gandy	_____

FBI, DALLAS

10-3-56

5-21 PM CST

DIRECTOR, FBI

URGENT

UNSUBS, THURGOOD MARSHALL, COMPLAINANT, CR. REDTEL YESTERDAY. 2-1

TWENTYTHREE OF TWENTYFOUR PLAINTIFFS LOCATED. NO ADDITIONAL ALLEGATIONS

OF INTIMIDATION. INVESTIGATION COMPLETED. MARSHALL MADE AVAILABLE
TRANSCRIPT OF TESTIMONY OF COURT OF INQUIRY FURNISHED HIM BY JUSTICE
OF PEACE RICHMOND. CLOSING REPORT WILL BE FORWARDED OCTOBER FOUR

MURPHY

END

7-22 PM OK FBI WA JC

DISCV

RECORDED - 24

44-10894-13

Mr. Rosen

OCTOBER 3, 1956

TELETYPE

URGENT

SAC, DALLAS

UNSUBS, THURGOOD MARSHALL, COMPLAINANT, CR. REURTELS
OCTOBER TWO LAST. DEPARTMENT REQUESTED INTERVIEWS WITH
PLAINTIFFS WHO HAD BEEN QUESTIONED BY TEXAS OFFICIALS
AND WITH THOSE PLAINTIFFS WHO HAD BEEN BROUGHT BEFORE
COURT OF INQUIRY AT DALLAS, SEPTEMBER TWENTYNINE LAST,
EVEN THOUGH SAME HAD NOT BEEN PREVIOUSLY QUESTIONED BY
TEXAS OFFICIALS. IF TWO REMAINING PLAINTIFFS WHO ARE
NOT IMMEDIATELY AVAILABLE ARE NOT KNOWN TO HAVE BEEN
QUESTIONED BY THE ASSISTANT AGS OR TO HAVE APPEARED
BEFORE THE COURT OF INQUIRY, THERE IS NO NEED TO CONDUCT
ADDITIONAL INVESTIGATION TO LOCATE THEM. SUREP WITHOUT
FURTHER DELAY. IN THE EVENT ADDITIONAL COURTS OF INQUIRY
ARE HELD EITHER OCTOBER THREE, OCTOBER FOUR, OR ANY DATE,
ADVISE BUREAU OF SUCH INFORMATION AND FURNISH TWO COPIES
OF ANY PRESS ARTICLES CONCERNING SUCH COURTS.

HOOVER

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

OCT 3 - 1956

TELETYPE

Tolson _____
Nichols _____
Boardman _____
Belmont _____
Mason _____
Mohr _____
Parsons _____
Rosen _____
Tamm _____
Nease _____
Winterrowd _____
Tele. Room _____
Holloman _____
Gandy _____

158
OCT 3 1956

OCT 19 1956

RECEIVED
NOV 3 1956
FBI

RECORDED-READING ROOM
OCT 3 3 27 PM '56
FBI

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FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

OCT 30 1956

TELETYPE

Mr. Tolson _____
Mr. Nichols _____
Mr. Boardman _____
Mr. Belmont _____
Mr. Mohr _____
Mr. Parsons _____
Mr. Rosen ☒ _____
Mr. Tamm _____
Mr. Trotter _____
Mr. Nease _____
Mr. Winterrowd _____
Tele. Room _____
Mr. Holloman _____
Miss Gandy _____

FBI, DALLAS 9-30-56 11-01 PM CST

DIRECTOR, FBI URGENT

UNSUBS, THURGOOD MARSHALL-COMPLAINANT, CIVIL RIGHTS. RE TEL CALL SA
[REDACTED] BU, TODAY. THURGOOD MARSHALL, SPECIAL COUNSEL, NAACP
NATL. ASSOC. FOR ADVANCEMENT OF COLORED PEOPLE

NEW YORK CITY
NYC, W. J. DURHAM, RESIDENT COUNSEL, TEXAS CONFERENCE OF BRANCHES, NAACP
DALLAS

DL, AND C. B. BUNKLEY, ATTORNEY, DL, ALL NEGROES, ALLEGE CERTAIN PLAINTIFFS IN SUIT STYLED BELL VERSUS RIPPY, NUMBER SIX ONE SIX FIVE, ^{FEDERAL GRAND JURY} NORTHERN DISTRICT OF TEXAS, TO BE HEARD BEFORE FGJ ATWELL, DL, OCT. ONE, FIFTYSIX, HAVE BEEN ~~COERCED~~ "INTIMIDATED" ~~UNQUOTE~~ BY TWO STATE ASSISTANT ATTORNEYS GENERAL, TEXAS, AND ASSISTING UNIDENTIFIED LOCAL OFFICERS, IN EFFORT TO GET THEM NOT TO PROSECUTE ABOVE DESEGREGATION SUIT INVOLVING TESTIMONY IN SAID SUIT. SPECIFICALLY, MARSHALL ALLEGES ATTORNEY GENERALS OFFICE INSTITUTED SERIES OF INTERVIEWS OF PLAINTIFFS, ALL PARENTS OR GUARDIANS OF NEGRO CHILDREN INVOLVED IN SUIT, CULMINATING IN COURT OF INQUIRY BEFORE JUSTICE OF PEACE W. E. RICHBURG, DL, TEN A M SEPT. TWENTYNINE, AT TIME ALL NAACP ATTORNEYS WERE AT TYLER, TEXAS CONFERRING WITH ATTORNEY GENERAL JOHN BEEN SHEPPARD RE AG-SUIT TO OUTLAW NAACP IN TEXAS. MARSHALL ALLEGES PLAINTIFFS WERE TAKEN BY UNIDENTIFIED OFFICERS WITHOUT DISPLAY OF STATE PROCESS OF ANY TYPE AND IN SOME INSTANCES UNDER THREATS OF INCARCERATION AND ECONOMIC PRESSURE ^{RECORDED-57} BEFORE COURT OF INQUIRY. MARSHALL STATES, WHILE COURT OF INQUIRY WAS ¹⁵⁸ PURPORTED TO BE IN CONNECTION WITH A.G.-S SUIT TO OUTLAW NAACP, ACTUAL PURPOSE WAS TO TRY TO FORCE PLAINTIFFS TO STATE THEY DID NOT HIRE ATTORNEYS ¹⁵⁸ SIGNED

END PAGE ONE 50 OCT 30 1956

PAGE TWO

PETITIONS IN FEDERAL SUIT. MARSHALL MADE AVAILABLE COPIES OF UNSIGNED STATEMENTS OF EIGHT INDIVIDUALS, PLAINTIFFS, WHICH MARSHALL STATED INCLUDED DETAILS OF ALLEGED INTIMIDATIONS. EXAMINATION OF STATEMENTS, SHOWS THREE PERSONS STATE THEY WERE INTERVIEWED BY A-G REPRESENTATIVES, ONE ON SEPT. TWENTY, LAST, TWO ON SEPT. TWENTYFIRST, LAST, AND WERE ASKED IF THEY HAD ON THEIR OWN VOLITION TAKEN CHILDREN TO WHITE SCHOOLS FOR ENROLLMENT, OR WHETHER NAACP HAD SUGGESTED IT, FURTHER IF THEY HAD SIGNED PETITION FOR FEDERAL COURT ACTION OF THEIR OWN VOLITION OR WHETHER NAACP HAD ASKED THEM TO SIGN SUCH PETITIONS. TWO PERSONS GAVE NO INDICATION IN STATEMENTS THEY HAD BEEN INTERVIEWED BY A-G REPRESENTATIVES THREE REMAINING STATEMENTS ARE FROM INDIVIDUALS WHO SAY THEY APPEARED BEFORE JP RICHBURG IN DL PURSUANT TO REQUESTS. [REDACTED] SAID RECEIVED TEL MESSAGE FROM A [REDACTED] NAACP MEMBER, ABOUT ELEVEN FIFTEEN AM SEPT. TWENTYNINE, LAST, ASKING HIM TO APPEAR BEFORE JP. b7C LUEADA GIPSON STATED SHE WAS CONTACTED AT HER RESIDENCE AT ABOUT ELEVEN THIRTY AM, SEPT. TWENTYNINE, LAST, AND WAS INFORMED BY AN OFFICER THAT A SUBPOENA HAD BEEN ISSUED FOR HER TO APPEAR IN JP COURT AND WAS TAKEN TO THE COURT BY THE OFFICER. [REDACTED] STATED AT TWO THIRTY OR THREE PM, SEPT. TWENTYNINE, LAST, INDIVIDUAL CAME TO HOME SAYING HE HAD SUBPOENA FOR HER TO APPEAR IN JP COURT AND TOOK HER IN CAR TO THE COURT. THESE LATTER THREE PERSONS STATE WERE TAKEN BEFORE JP , WERE

END PAGE TWO

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PAGE THREE

SWORN, AND IN PRESENCE OF JP, JP-S FEMALE SECRETARY, AND TWO ASSISTANT A-G-S WERE QUESTIONED CONCERNING INSTITUTION OF SUITS AGAINST DL SCHOOL BOARD ALONG SAME LINES AS ABOVE. STATEMENTS CONTAIN NO ALLEGATION RE INTIMIDATION, BRUTALITY, USE OF FORCE OR ECONOMIC PRESSURE AS TO CONSEQUENCES IF THEY FAILED TO APPEAR IN JP COURT OF AS TO THE FEDERAL SUIT. AG OF TEXAS IS CONDUCTING FORMAL INVESTIGATION TO DETERMINE IF NAACP IS GUILTY OF VIOLATIONS OF BARRATRY STATUTE WHICH MAKES IT A PENAL OFFENSE TO STIR UP LAW SUITS. ASSISTANTS A-G-S L. W. GRAY AND JOHN A. WILD ARE IDENTIFIED IN DL PRESS TODAY AS HAVING CONDUCTED COURT OF INQUIRY UNDER ORDERS OF A-G SHEPPARD, PURSUANT TO TEL CALL FROM SHEPPARD, AT TYLER, TEXAS, TO JP RICHBURG AT SEVEN AM, SEPT. TWENTYNINE, LAST. ACCORDING TO PRESS, FIVE OF SIX NEGRO WITNESSES BEFORE J P RICHBURG STATED THEY DID NOT HAVE ANY KNOWLEDGE THEIR NAMES WERE TO BE USED IN A CURRENT SUIT IN FEDERAL COURT TO FORCE INTERGRATION IN DL SCHOOL SYSTEM. JUDGE ATWELL RULED AGAINST PLAINTIFFS IN THIS SUIT SEPT FIFTEEN FIFTYFIVE BUT ON APPEAL CASE REVERSED AND REMANDED FOR NEW TRIAL SET FOR OCT. ONE FIFTYSIX. ^{CLOSING REPORT} UACB NO FURTHER INQUIRY DL. C RPT TO BE SUBMITTED.

UNLESS ADVISED TO CONTRARY BY BUREAU

MURPHY

END ACK

PAGE TWO FOURTH LINE FROM BOTOM WORDS FOUR FIVE AND DIS XX SIX PLS
"TO THE COURT BY THE OFFICER. [REDACTED] OK

1-15 AM OK FBI WA [REDACTED]

TU

OCT 1 1 25 PM '56

cc MR. ROSEN
AND SUPERVISOR
INVESTIGATIVE DIVISION

12-101

19

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Rosen

DATE: October 1, 1956

FROM : Mr. Price *JP*SUBJECT: UNKNOWN SUBJECTS, TEXAS RANGERS;
THURGOOD MARSHALL, COMPLAINANT;
CIVIL RIGHTS

On Sunday, September 30, 1956, A. B. Caldwell, Chief, Civil Rights Section, telephonically advised he had received a long-distance phone call from Marshall that the Texas Rangers had taken away some colored children in Dallas, Texas, and questioned them regarding a civil action in Federal court, Dallas, Texas. Caldwell stated that Marshall had complained the individuals had been intimidated regarding the action pending in Federal court in their behalf against a school board. He advised that Marshall, general counsel for the National Association for the Advancement of Colored People (NAACP), had been in Dallas, Texas, in connection with a state court action to prohibit the NAACP from doing business in Texas. Caldwell desired that Marshall be interviewed on September 30, 1956, and that interviews be conducted on October 1, 1956, with the colored children or anyone else who had been picked up and questioned by the Texas Rangers to determine if there had been any intimidation of such individuals because of their instituting action in Federal court.

ACTION:

The Dallas Office was telephonically instructed to interview Thurgood Marshall on 9/30/56 in Dallas, Texas, and ascertain the full details of the complaint and advise the Bureau of the results.

At 10:50 P. M. on September 30, 1956, SAC Murphy of Dallas telephonically advised that Marshall had been interviewed and advised that John Ben Shepperd, Attorney General, State of Texas, and two Assistant Attorney Generals had been interviewing the individuals who were plaintiffs in a civil action which is set for hearing in United States District Court, Dallas, Texas, on October 1, 1956. Murphy stated that no children had been questioned by the Texas officials but only the parents or guardians

cc: Mr. Nichols
Mr. Belmont

RECORDED-37

INDEXED - 37

14 OCT 18 1956

B11-X

(6)

*Memo to Rosen
Tel & Call
Memo to Marshall
10/1/56*

Tolson
Belmont
Mohr
Parsons
Rosen
Tamm
Nease
Winterrowd
Tele. Room
Holloman
Gandy

*b7c
79*

Memorandum to Mr. Rosen

of the colored children. He stated that the individuals had been taken by the officials on the basis of a subpoena to a justice of the peace in Dallas and questioned as to whether they had instituted the action in Federal court of their own initiative or whether they had been given any encouragement or direction. They were also questioned as to whether they had of their own volition or initiative endeavored to have the colored children in white schools or whether it had been encouraged or directed by others, particularly the NAACP. Murphy stated that although Marshall had mentioned that the individuals were being "intimidated" the statements which Marshall had obtained from various persons did not indicate they had been intimidated or threatened in any manner. Dallas is submitting a detailed summary of the interview with the names of the individuals involved.

RECOMMENDATION:

Inasmuch as a Federal court hearing is scheduled in a civil suit for October 1, 1956, this matter is being presented to the Civil Rights Section of the Department in order to determine if further interviews are desired at this time. Dallas has been instructed not to conduct any further interviews unless advised by the Bureau.

Right. Be certain we have specific Dept instructions as to what we should do.

Assistant Attorney General
Warren Olney III

October 1, 1956

RECORDED-57 Director, FBI

UNKNOWN SUBJECTS;
THURGOOD MARSHALL - COMPLAINANT
CIVIL RIGHTS

b7c

This is to confirm a telephone conversation between Mr. A. B. Caldwell, Chief, Civil Rights Section, and Special Agent [redacted] of this Bureau on September 30, 1956, and to confirm a conference between Messrs. Caldwell and Henry Putzel of the Civil Rights Section and Special Agent [redacted] on October 1, 1956.

Mr. Caldwell advised on September 30, 1956, that he had received a telephone call from Mr. Thurgood Marshall, General Counsel for the National Association for the Advancement of Colored People (NAACP), regarding activities by Texas Rangers. Mr. Marshall was in Dallas, Texas, and had stated that the Texas officials had taken some colored children and questioned them regarding a civil action which was pending in the United States District Court for the Northern District of Texas, Dallas, Texas. These individuals had been questioned while their attorneys were in Tyler, Texas, in connection with an action in state court brought to prohibit the NAACP from doing business in the State of Texas. Mr. Caldwell requested that Mr. Marshall be interviewed, if possible, on September 30, 1956, and that interviews be conducted on October 1, 1956, with the colored children or anyone else who had been picked up and questioned by the Texas Rangers so that a determination could be made as to whether or not there had been any intimidation of such individuals because of their having instituted action in Federal Court.

MAILED 10
OCT 2 1956
FBI - DALLAS

On October 1, 1956, Messrs. Caldwell and Putzel were advised of the results of the information developed by our Dallas Office on September 30, 1956. Messrs. Marshall, W. J. Durham, Resident Counsel, Texas Conference of Branches of the NAACP, and C. B. Bunkley, Attorney of Dallas, Texas, advised Agents of our Dallas Office that certain plaintiffs in the civil action captioned "Bell versus Rippey" which is scheduled to be held before United States District Judge [redacted] at Dallas, Texas, on October 1, 1956, had been intimidated by two Assistant Attorneys General of the State of Texas and unidentified local officers in an effort to

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Boardman _____
Belmont _____
Mason _____
Mohr _____
Parsons _____
Rosen _____
Tamm _____
Nease _____
Winterrowd _____
Tele. Room _____
Holloman _____
Gandy _____

OCT 2 1956

Over memo, Price to Rosen, same caption, 10-1-56,

**Memorandum for Assistant Attorney General
Warren Olney III**

get the individuals not to prosecute the suit. The civil action concerns denial by the Dallas Independent School District in denying admittance to Negro children to schools in Dallas. Mr. Marshall advised that the Office of the Attorney General of the State of Texas had instituted a series of interviews with the plaintiffs which ended in a court of inquiry before Justice of the Peace W. E. Richburg, Dallas, Texas, on September 29, 1956, at a time when all of the NAACP attorneys were at Tyler, Texas, conferring with Attorney General John Ben Shepperd regarding a state suit to outlaw the NAACP in Texas. Mr. Marshall stated that the plaintiffs, who are parents or guardians of the Negro children involved in the suit, had been taken before the court of inquiry by unidentified officers without a display of state process of any type and in some instances they had been taken under threats of incarceration and economic pressure.

Mr. Marshall advised that while the court of inquiry was purported to be held in connection with the State Attorney General's suit to outlaw the NAACP, the actual purpose of the hearing was to try to force the plaintiffs to state that they did not hire the attorneys who had signed the petitions in the Federal suit. Mr. Marshall made available copies of unsigned statements prepared by eight individuals, which statements Mr. Marshall advised included details of the alleged intimidation. The examination of the statements by Agents of our Dallas Office reflects that three individuals allegedly were interviewed by representatives of the State Attorney General and asked if they had, of their own volition, taken their children to the white schools for enrollment, or whether the NAACP had suggested this action. They were further asked if they had signed the petition for action in Federal Court of their own volition or whether the NAACP had asked them to sign such petitions. One of the individuals had been interviewed by state authorities on September 20, 1956, and the other two on September 21, 1956.

Two individuals in their statements did not indicate that they had been interviewed by representatives of the State Attorney General. The other three statements were from ^{b7C} individuals who stated that they appeared before Justice of the Peace Richburg in Dallas pursuant to request. [REDACTED] in his statement related that he had received a telephone

Memorandum for Assistant Attorney General
Warren Olney III

b7C

message from a [REDACTED], a member of the NAACP, on the morning of September 29, 1956, asking him to appear before the Justice of the Peace. [REDACTED] related that she had been contacted in her residence on September 29, 1956, at about 11:30 in the morning and informed by an officer that a subpoena had been issued for her appearance in the Justice of the Peace court. [REDACTED] was taken to the court by the officer. [REDACTED] in her statement reported that she had been contacted at 2:30 or 3:00 in the afternoon on September 29, 1956, by an individual who said he had a subpoena for her to appear in the Justice of the Peace court. [REDACTED] and [REDACTED] stated they had been taken before the Justice of the Peace and placed under oath and in the presence of the Justice of the Peace, his female secretary, and two Assistant Attorneys General of the State of Texas, questioned concerning the institution of the suits against the Dallas School Board along the lines set forth above.

Our Dallas Office has advised that the statements did not contain allegations of brutality, intimidation, use of force or possible economic pressure if they failed to appear in the Justice of the Peace Court. The Attorney General of Texas is reportedly conducting a formal investigation to determine if the NAACP is guilty of violation of the Barratry Statute which makes it a penal offense to abet or encourage litigation.

Our Dallas Office has advised that articles appearing in the local newspapers on October 1, 1956, identified Assistant Attorneys General L. W. Gray and John A. Wild as having conducted a court of inquiry under orders of Attorney General Shepperd pursuant to a telephone call from Mr. Shepperd at Tyler, Texas, to Justice of the Peace Richburg at 7:00 on the morning of September 29, 1956. The newspaper articles indicated that five of the six Negro witnesses before Justice of the Peace Richburg had stated they did not have any knowledge their names were to be used in a court suit in Federal Court to force integration in the Dallas school system. Our Dallas Office has further advised that in the case captioned "Bell versus Rippy," the District Court had ruled against the plaintiffs on September 15, 1955, but this decision had been reversed by the Circuit Court of Appeals and the case remanded for a new trial which was set for October 1, 1956.

Memorandum for Assistant Attorney General
Warren Olney III

Mr. Caldwell advised further interviews in this matter should not be conducted at this time in view of the fact that the civil suit in Federal Court was scheduled for hearing on October 1, 1956. He requested that the Bureau follow the developments in action pending in Federal Court. Mr. Caldwell telephonically contacted United States Attorney Floore, Northern District of Texas, and requested that Mr. Floore or one of his assistants attend the Federal Court at Dallas, Texas, on October 1, 1956, and advise the Department if the action by the Texas officials is brought to the attention of the court during the hearing in the case captioned "Bell versus Rippy."

At 12:45 p.m., on October 1, 1956, Mr. A. B. Caldwell telephonically advised Special Agent [REDACTED] b7C that information had been received that the hearing scheduled in Federal Court for that date had been postponed until November 14, 1956. Mr. Caldwell requested that the Bureau proceed with its investigation and that interviews be conducted with the persons who had been questioned by officials of the State of Texas regarding the Federal action as well as interviews with those persons who, not previously questioned, by state officials, had been brought before the court of inquiry in Dallas, Texas, on September 29, 1956. The investigation requested by Mr. Caldwell has been instituted and you will be advised of the results of such investigation. Inasmuch as this involves allegations against assistants to the Attorney General of the State of Texas, the Governor of the State of Texas and the Attorney General are being advised that the investigation is being conducted by this Bureau pursuant to the request of the Department of Justice.

RECEIVED
NOV 1 1956
U.S. DEPT. OF JUSTICE

This matter is being taken
up with A. B. Caldwell, Chief,
Civil Rights Section, to determine
whether in light of the civil action
pending in Federal court on
10/1/56 he desires further
interviews conducted at this
time.

85




DIRECTOR, FBI




10/9/56

SAC, DALLAS (140-0)


Dallas, Texas
SOE

b7C

Re report of SA  10/4/56,
UNKNOWN SUBJECTS, THURGOOD MARSHALL. Complainant. CIVIL RIGHTS,
pages 35-37, 41, concerning 
 Dallas, Texas, one of the 24 plaintiffs in HELL vs.
RIPPY, No. 6165, NDT, the integration suit involving Dallas
Public Schools.

When interviewed by SA  and
 on 10/3/56, in connection with referenced
Civil Rights case,  description was determined from
interrogation and observation as follows:

Race
Sex
Birth data

Height
Weight
Hair
Employment

Residence
Marital Status

Education

b7C

- 2 - Bureau (REGISTERED MAIL)
- 1 - Kansas City (REGISTERED MAIL)
- 1 - Dallas (140-0)

(4)


144-19894-
NOT RECORDED
128 OCT 29 1956





ORIGINAL COPY FILED IN 144-19894-128

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INDEXED

FEDERAL BUREAU OF INVESTIGATION

Reporting Office DALLAS	Office of Origin DALLAS	Date 10/4/56	Investigative Period 10/1,2,3/56
TITLE OF CASE UNKNOWN SUBJECTS, THURGOOD MARSHALL - COMPLAINANT		Report Made by 	b7C
		CHARACTER OF CASE CIVIL RIGHTS	

Synopsis: 23 of 24 plaintiffs in Dallas, Texas public school integration suit identified and interviewed; one plaintiff not located. 4 plaintiffs and husband of 5th plaintiff appeared before Court of Inquiry, 9/29/56; 5 additional plaintiffs interviewed by State officials, but did not appear before Court of Inquiry. None alleged intimidation of any type by Texas Assistant Attorneys General.  questioned by AAG and Texas Ranger at place of employment, feels possible economic pressure intended by remarks of Texas Ranger. , a plaintiff, states Deputy Constable appeared at residence morning of 9/29/56 and, in finding plaintiff not home, stated had subpoena for him to Court of Inquiry and if he did not appear, Constable would return and put  in jail until Monday morning so Court would know whereabouts;  disregarded instructions of Deputy Constable and has heard nothing further. Persons required to appear before Court of Inquiry state that although local officers said they had subpoenas, they were not exhibited.

- C -

Approved 	Special Agent in Charge	Do not write in spaces below
Copies made: 2 - Bureau (Encls. 2) (AMSD) 1 - USA, Fort Worth (Encl. 1) (Info) 2 - Dallas (44-739) EX-112 93 ENCLO THIST		44-739-16 EX-112 93 INDEXED-93 RECORDED-93

10/27/56
39

100: AAG CRIMINAL DIVISION
FORM 8-94

79 OCT 30 1956

ADD. DISSEMINAT

EX-12

b7C

DETAILS:

AT DALLAS, TEXAS

On October 1, 1956, the Bureau advised Assistant Attorney General WARREN OLNEY, III, Criminal Division, had requested interviews with plaintiffs in BELL versus RIPPY, Number 6165, Northern District of Texas, (integration suit scheduled to have been heard before United States District Judge WILLIAM H. ATWELL, Dallas, October 1, 1956, postponed to November 14, 1956), who were questioned by State officials, as well as those plaintiffs who, not previously questioned by State officials, were brought before a Court of Inquiry at Dallas on September 29, 1956.

At 11:25 AM on October 2, 1956, the San Antonio Division advised that Mr. DAVIS GRANT, First Assistant Attorney General, Attorney General's Department, State of Texas; Mr. JOHN OSORIO, Administrative Assistant to Governor ALLAN SHIVERS, Governor's Office, State of Texas, and Colonel HOMER GARRISON, Director, Texas Department of Public Safety, Austin, Texas, were advised on the morning of October 2, 1956, of the facts of THURGOOD MARSHALL's complaint and that interviews were being conducted by the Dallas Office with plaintiffs who had been questioned by State officials and those brought before the Court of Inquiry at Dallas on September 29, 1956. b7C

Thereafter, on October 2, 1956, JOHN BEN SHEPPERD, Texas Attorney General, communicated telephonically with SAC WILLIAM A. MURPHY, stating he was in receipt of information which had been supplied to his office. He volunteered to furnish a copy of the transcript of testimony at the Court of Inquiry, Dallas, September 29, 1956. He said he plans to have additional Courts of Inquiry, Dallas, either October 3 or 4, 1956, and would welcome the presence of a Bureau representative at such inquiries. b7C

On October 2, 1956, [REDACTED] Texas Rangers, Dallas, advised SAC MURPHY that when two Assistant Attorneys General appeared in Dallas, they did not have transportation and he assigned Rangers [REDACTED] and [REDACTED] to provide transportation for them in conducting their interviews.

On October 2, 1956, SAS [REDACTED] and [REDACTED] reviewed records of BELL versus RIPPY, Number 6165, in the office of the United States District Clerk, Northern District of Texas, Dallas, Texas, and obtained names of

plaintiffs as they appear of record, 24 in number. Each of the persons was listed as "next friend" of minor children whose enrollment had been sought in Dallas public schools. No addresses appeared in the records.

Records of the United States District Court reflected the following attorneys of record for plaintiffs: W. J. DURHAM, 2600 Flora; C. B. BUNKLEY, JR., 814 1/2 North Good-Latimer Expressway; LOUIS BEDFORD, 1807 1/2 Singleton Boulevard; KENNETH HOLBERT, 2531 Forest Avenue; U. SIMPSON TATE, 2600 Flora; J. L. TURNER, JR., 1723 Routh Street, all Dallas; THURGOOD MARSHALL, 107 West 43rd Street, New York City; ROBERT L. CARTER, New York City. Attorney of record for defendants was shown as A. J. THUSS, JR., 1122 Davis Building, Dallas.

On October 2, 1956, SAS [REDACTED] and [REDACTED] obtained from THURGOOD MARSHALL, Special Counsel, National Association for the Advancement of Colored People, at 2600 Flora Street, Dallas, a purported list of addresses of above-mentioned plaintiffs and none had been deleted. He stated the individuals named in United States District Court records as attorneys for plaintiffs is complete. 67C

MARSHALL furnished a photostatic copy of what purports to be the transcript of proceedings before the Court of Inquiry in the office of Justice of the Peace W. E. BILL RICHBURG, Dallas, on September 29, 1956. A photostatic copy of said document is provided as an enclosure to each copy of this report.

THURGOOD MARSHALL volunteered that he could find, from his review of statutes and decisions, no support for possible contempt action against State officials but said that he feels that activities of State officials constitute probable violations of Obstruction of Justice Statutes. In this connection, he stated he feels that based on ODUM versus U.S., 116 Fed. 2nd 996, Texas, 1941, it is immaterial that persons questioned by State officials were not under Federal subpoenas at the time of questioning. He further volunteered that he is considering possible Federal subpoenas for all persons, including plaintiffs, who may possibly testify in the Federal suit which action he considered might deter State officials from interrogating such persons.

The following signed statements were obtained from plaintiffs in the Federal suit from whom testimony was taken in the Court of Inquiry on September 29, 1956:

XXXXXX
XXXXXX
XXXXXXFEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET13 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

- ☒
- Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552Section 552a☐ (b)(1)☐ (b)(7)(A)☐ (d)(5)☐ (b)(2)☐ (b)(7)(B)☐ (j)(2)☐ (b)(3)☒ (b)(7)(C)☐ (k)(1)☐ (b)(7)(D)☐ (k)(2)☐ (b)(7)(E)☐ (k)(3)☐ (b)(7)(F)☐ (k)(4)☐ (b)(4)☐ (b)(8)☐ (k)(5)☐ (b)(5)☐ (b)(9)☐ (k)(6)☐ (b)(6)☐ (k)(7)

- ☐ Information pertained only to a third party with no reference to the subject of your request.
- ☐ Information pertained only to a third party. The subject of your request is listed in the title only.
- ☐ Documents originated with another Government agency(ies). These documents were referred to that agency(ies) for review and direct response to you.

Pages contain information furnished by another Government agency(ies). You will be advised by the FBI as to the releasability of this information following our consultation with the other agency(ies).

Page(s) withheld inasmuch as a final release determination has not been made. You will be advised as to the disposition at a later date.

Pages were not considered for release as they are duplicative of _____

- ☐
- For your information: _____

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- The following number is to be used for reference regarding these pages:

44-HQ-10894-16, pages 4 through 16

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X DELETED PAGE(S) X
X NO DUPLICATION FEE X
X FOR THIS PAGE X
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FBI/DOJ

The following are results of interview of plaintiffs of record who profess to have been interviewed by State officials, but who did not appear before the Court of Inquiry, September 29, 1956:

XXXXXX
XXXXXX
XXXXXXFEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET

20 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

☒ Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552Section 552a☐ (b)(1)☐ (b)(7)(A)☐ (d)(5)☐ (b)(2)☐ (b)(7)(B)☐ (j)(2)☐ (b)(3)☒ (b)(7)(C)☐ (k)(1)☐ (b)(7)(D)☐ (k)(2)☐ (b)(7)(E)☐ (k)(3)☐ (b)(7)(F)☐ (k)(4)☐ (b)(4)☐ (b)(8)☐ (k)(5)☐ (b)(5)☐ (b)(9)☐ (k)(6)☐ (b)(6)☐ (k)(7)

☐ Information pertained only to a third party with no reference to the subject of your request.

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_____ Pages contain information furnished by another Government agency(ies). You will be advised by the FBI as to the releasability of this information following our consultation with the other agency(ies).

_____ Page(s) withheld inasmuch as a final release determination has not been made. You will be advised as to the disposition at a later date.

_____ Pages were not considered for release as they are duplicative of _____

☐ For your information: _____

☒ The following number is to be used for reference regarding these pages:

44-HQ-10894-16, pages 18 through 37.

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X DELETED PAGE(S) X
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X FOR THIS PAGE X
XXXXXXXXXXXXXXXXXXXXX

FBI/DOJ

The following plaintiffs of record advised interviewing Agents they have not been questioned at any time by State officials regarding the Federal suit: b7C

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

XXXXXX
XXXXXX
XXXXXXFEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET

1 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

- ☒ Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552

Section 552a

☐ (b)(1)☐ (b)(7)(A)☐ (d)(5)☐ (b)(2)☐ (b)(7)(B)☐ (j)(2)☐ (b)(3)☒ (b)(7)(C)☐ (k)(1)☐ (b)(7)(D)☐ (k)(2)☐ (b)(7)(E)☐ (k)(3)☐ (b)(7)(F)☐ (k)(4)☐ (b)(4)☐ (b)(8)☐ (k)(5)☐ (b)(5)☐ (b)(9)☐ (k)(6)☐ (b)(6)☐ (k)(7)

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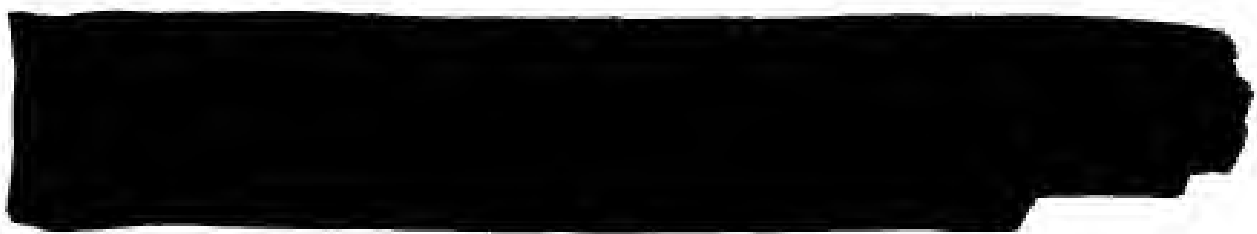
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44-HQ-10894-16, page 39.

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ENCLOSURES:

TO BUREAU (2)

Two Photostats of purported transcript of testimony,
Court of Inquiry, Dallas, Texas, September 29, 1956.

TO UNITED STATES ATTORNEY, FORT WORTH, TEXAS (1)

One Photostat of purported transcript of testimony,
Court of Inquiry, Dallas, Texas, September 29, 1956.

- C -

ADMINISTRATIVE

Two copies of this report were prepared for the Dallas office for possible use in the event further investigation is required.

One copy is being furnished to the USA, Ft. Worth, Texas, for information, since the USA has indicated he has been in communication with the Department relative to this matter.

Indices of the Dallas office contain no references identifiable with plaintiffs in Federal integration suit, except [REDACTED]

[REDACTED]

Full details being submitted by separate communication under SGE character.

REFERENCES

b7C

Report of SA [REDACTED] 10/1/56, at Dallas.
Bureau teletypes to Dallas, 10/1,3/56.
San Antonio teletype to Bureau and Dallas, 10/2/56.
Dallas teletypes to Bureau, 10/2,3/56.

ADMINISTRATIVE PAGE

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Section 552

Section 552a

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- ☒ For your information: Court documents filed in State of Texas
County of Dallas, Docket No. 5320, which are in the public domain
- ☒ The following number is to be used for reference regarding these pages:
44-HQ-10894-16, attachments.

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FBI/DOJ

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Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, Federal Bureau of Investigation

DATE: October 16, 1956.

FROM : Warren Olney III, Assistant Attorney General,
Criminal Division

SUBJECT: Unknown Subjects;
Thurgood Marshall - Complainant
Civil Rights

144-73-355
1-1

This refers to your October 8, 1956, transmittal memorandum and the report enclosed therewith of Special Agent [redacted] dated October 4, 1956, at Dallas. No further investigation is desired at this time. Please, however, keep us advised of developments in Bell v. Rippy or related litigation concerning Mr. Marshall's complaint of intimidation of witnesses and parties and the disclaimer of such intimidation by representatives of the Texas Attorney General's office.

RECORDED-35

14-1087-1-17
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LOE DL
10-18-56

SAC, Dallas (44-739)

10-18-56

RECORDED-34
EX-118

Director, FBI

b7C

UNSUBS;
THURGOOD MARSHALL - COMPLAINANT
CIVIL RIGHTS

10-4-56. Rerep SA [REDACTED] Dallas,

There is transmitted herewith a copy of a memorandum dated October 16, 1956, from the Criminal Division advising that no further investigation is desired at this time and requesting your office to keep the Department advised of developments in the civil action pending in U. S. District Court or any related litigation concerning the intimidation of witnesses and parties to the suit as well as information regarding any statements denying intimidation by representatives of the Attorney General of the State of Texas. This matter is to be closely followed by you and the Bureau currently advised of all developments.

In the event any newspaper articles or other documents are forwarded to the Bureau it is, of course, necessary for you to furnish two copies of each article or document so that one may be retained in the files of the Bureau and one made available to the Department of Justice.

[REDACTED]
(4)

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Boardman _____
Nichols _____
Belmont _____
Mohr _____
Parsons _____
Rosen _____
Tamm _____
Sizoo _____
Winterrowd _____
Tele. Room _____
Holloman _____
Gandy _____

COMM - FBI
OCT 18 1956
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DL 44-739

Of latter three, one appeared at request of NAACP member, no officer involved; two alleged officers came to their residences 9/29/56 saying they had subpoenas and that plaintiffs must appear or be arrested. Dallas press, 9/30/56, indicates five of six Negroes questioned by Court of Inquiry, denied authorizing filing of Federal suit in their names or names of their children. Some discrepancies reported by press as to statements of witnesses compared to information appearing in statements furnished by MARSHALL. USA, NDT, states of view that no Civil Rights violation indicated on basis of available information.

- C -

DETAILS:

At Dallas, Texas:

THURGOOD MARSHALL, in accordance with Bureau instructions was interviewed at 7:00 PM, September 30, 1956, at [REDACTED] by [REDACTED] and [REDACTED] Mr. MARSHALL advised that he is Special Counsel, National Association for the Advancement of Colored People (NAACP), with offices at 107 West 43rd Street, New York City. [REDACTED]

MARSHALL stated that he has been in the Dallas area for the past several days in connection with the suit of Texas Attorney General JOHN BEN SHEPPARD to obtain a permanent injunction to prohibit NAACP from operating in the State of Texas. He said that on Saturday, September 29, 1956, he and other NAACP attorneys were in Tyler, Texas, conferring with Attorney General SHEPPARD relative to an amicable settlement of the suit. Upon their return to Dallas on the night of September 29, 1956, MARSHALL, other NAACP attorneys and private Negro attorneys, received telephone calls from certain persons who are plaintiffs in the Federal integration suit affecting Dallas Public Schools which is to be heard before Federal Judge ATWELL, Dallas, on October 1, 1956. These plaintiffs informed that they had on the same date been required to appear before a Court of Inquiry in the office of Justice of the Peace W. E. BILL RICHBURG, Dallas.

MARSHALL stated that the Court of Inquiry instituted by Attorney General SHEPPARD, and conducted by two of SHEPPARD's assistants, had come as a complete surprise to NAACP attorneys and was in his opinion timed so that NAACP attorneys would be out of the city at the time. MARSHALL stated that the plaintiffs in the Federal suit had informed him and other attorneys that they had been intimidated, threatened with incarceration and had economic pressure exerted upon them in an effort to influence them not to prosecute the Federal suit and to influence their testimony in said suit. He said he and other NAACP attorneys had, during the day, Sunday, September 30, 1956, interviewed various plaintiffs in the Federal suit and obtained statements from them. He said the statements, while typed on that date, would await signatures of the persons involved and notarization until Monday, October 1, 1956. MARSHALL stated in response to a direct question, that these statements included full details as to the allegations of intimidation, threats and economic pressure.

Mr. MARSHALL stated that the Federal integration suit involving both Dallas Elementary and High Schools is styled "BELL versus RIPPY", No. 6165, Northern District of Texas, BELL being one of the plaintiffs and RIPPY, the President of the Dallas School Board. By way of background, he stated the original integration suit was heard before Federal Judge ATWELL and on September 15, 1955, the court ruled against the plaintiffs. On appeal, the lower court's decision was overruled and the case was reversed and remanded for new trial. MARSHALL stated that the persons, plaintiffs, who have complained as to the acts of representatives of Attorney General SHEPPARD and local officers in connection with the Court of Inquiry, are parents, grandparents or otherwise have custody of the Negro children involved in the Federal suit. MARSHALL stated while the Court of Inquiry before Judge RICHBURG purported to be in connection with Attorney General SHEPPARD's suit to outlaw NAACP in Texas, the actual purpose was to try to force the plaintiffs to say that they did not hire attorneys who signed the petition in the Federal suit, and another purpose was to intimidate the plaintiffs in an effort to get them not to pursue the Federal suit and to influence their testimony in said suit. MARSHALL stated he did not know the identities of any of the local officers involved but noted that one plaintiff had said that the officer was "dressed like a Texas Ranger" and that another plaintiff had felt the officer who came to his or her house was a local constable. MARSHALL stated he had no information

DL 44-739

that any persons connected with the Dallas School Board had anything to do with the matters involved in his complaint. MARS stated that Justice of the Peace RICHBURG should be able to identify all of the local officers who were involved in connect with the Court of Inquiry. MARSHALL stated that he felt it extremely aignificant that no queations were asked at the Court of Inquiry which had a bearing on the Attorney General's suit to outlaw NAACP but rather that all questions pertained to the Federal suit. He said he feels that the Civil Rights statutes protect plaintiffs and witnesses in a Federal suit against effort of other persons to influence their prosecution of a suit or their testimony in that connection.

MARSHALL furnished copies of the unsigned statements which he said had been obtained from the plaintiffs to the Feder suit and again stated that such statements incorporated the alle tions in detail.

The following statements of [REDACTED] do not indicate these persons have been personally interviewed by representatives of Attorney Gener SHEPPARD before a Court of Inquiry or otherwise.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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The statements of [REDACTED] and [REDACTED] which follow, indicate these persons were questioned by representatives of the Attorney General's office prior to the time of the Court of Inquiry.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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Section 552

Section 552a

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The following article appeared on Page One, Part Three, of "The Dallas Morning News", Dallas daily newspaper, issue of Sunday, September 30, 1956:

"COURT OF INQUIRY HEARS 6 NEGROES"

"Five Deny Talking to Lawyers"

"In a surprise court of inquiry here, two assistant state attorneys general Saturday questioned six Dallas Negroes involved in the federal district suit to admit Negro children to white Dallas schools.

"And five Negroes who were listed as 'friends of the plaintiffs' - relatives of children for whom the suit was filed - denied ever having discussed the matter with any attorney or authorizing any attorney to file the suit in their name or the names of their children. b7C

[REDACTED] testimony disclosed, had first brought the matter up in separate discussions with the other witnesses at their homes. *Dallas Times*

[REDACTED] did not know how NAACP attorneys had obtained permission to use specific names in the court suit.

"The court of inquiry was held in Justice of the Peace W. E. Bill Richburg's court. Questioning of the subpoenaed witnesses was handled by Asst. State Atty. Gen. L. W. Gray assisted by Asst. State Atty. Gen. John A. Wild.

"Gray told The Dallas News that the court of inquiry was called to determine if Article 430 of the Penal Code of the State of Texas had been violated in the filing of the federal suit in September, 1955, by the NAACP. The federal case comes up in U. S. Judge William H. Atwell's court Monday morning.

"This hearing is in no way related to the federal suit," explained Gray. "We questioned the witnesses to see if there was any violation of the barratry statute which makes it a penal offense to stir up or incite litigation. Our main purpose has been to see if the parties to the suit had contacted a lawyer to represent them.

DL 44-739

" 'This information, 'he continued, 'will thus be available for possible use in future cases. It will be preserved for the record.' b7C

"The parties to the federal suit who were questioned in the 3 1/2-hour session were [REDACTED]

"All five parties to the federal suit testified also that they did not personally know any of the attorneys listed by Gray as the lawyers who filed the federal suit: Thurwood Marshall, [REDACTED]

The following article appeared in "The Dallas Times Herald, Dallas daily newspaper, issue of Sunday, September 30, 1956:

**"5 NEGRO WITNESSES DENY
AGREEING TO SCHOOL SUIT"**

"Five of six Negro witnesses Saturday testified in a hurriedly called court of inquiry that they did not have any knowledge their names were to be used in a current suit in Federal court to force integration in the Dallas Independent School District.

"The court of inquiry, held in Justice of the Peace W. E. Richburg's court, was ordered by Texas Attorney General John Ben Shepperd Saturday morning in a telephone call to Judge Richburg at 7 a.m. from Tyler.

"Witnesses were not served the subpoenas until after 10 a.m.

"One of two assistant attorneys general who handled the questioning said the court of inquiry was another legal

step in current efforts to gather information about the National Association for the Advancement of Colored People and to determine if there had been a violation of the Texas penal code which forbids 'inciting or stirring up litigation'.

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[REDACTED]

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DL 44-739

"Mr. Gray said the Barratry Statute makes it a penal offense to incite or stir up litigation."

Honorable HEARD L. FLOORE, United States Attorney, Northern District of Texas, upon being advised on October 1, 1956, of the details of Mr. MARSHALL's complaint and information appearing in the statements set out herein, advised that on the basis of currently available information he was of the view there was no indication of a civil rights violation and desired no investigation except upon specific instructions of the Department of Justice.

On October 1, 1956, Federal Judge WILLIAM H. ATWELL advised SAC WILLIAM A. MURPHY that hearing of the Federal suit has been postponed to November 14, 1956.

- C -

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REFERENCES

b7C

Bureau telephone call, SA [REDACTED] 9/30/56;
Dallas teletypes, 9/30/56 and 10/1/56.

ADMINISTRATIVE PAGE

110

Marshall, Special Counsel for National Association for the Advancement of Colored People, alleged that individuals who had instituted suit in Federal Court against the Dallas, Texas, School Board, had been intimidated by Texas Rangers and representatives of the Attorney General of the State of Texas, because of the suit brought in Federal Court to permit Negro children to enroll at public schools on an integrated basis. Preliminary investigation disclosed that 4 of the plaintiffs and the husband of a fifth plaintiff had been called before a Court of Inquiry at Dallas on 9/29/56 and 5 additional plaintiffs were interviewed by representatives of the Texas Attorney General Office. The other plaintiffs were neither questioned by court officials nor brought before Court of Inquiry.

Bell v. Rippey is the civil action in Federal Court brought by the plaintiffs against the Dallas School Board and hearing has been set for 11/14/56.

///

FEDERAL BUREAU OF INVESTIGATION - R 3

Form No. 1
THIS CASE ORIGINATED AT

DALLAS

FILE NO. [REDACTED]

REPORT MADE AT SAN ANTONIO	DATE WHEN MADE 10/2/56	PERIOD FOR WHICH MADE 10/2/56	REPORT MADE BY [REDACTED] b7C
TITLE UNKNOWN SUBJECTS; THURGOOD MARSHALL, Complainant			CHARACTER OF CASE CIVIL RIGHTS 11-1

SYNOPSIS OF FACTS:

Officials of Governor's Office, Attorney General's Office, State of Texas, and Texas Department of Public Safety, Austin, Texas, advised 10/2/56 of allegation of THURGOOD MARSHALL and that interview being conducted by Dallas Office with plaintiffs who were questioned by State Officials and those brought before Court of Inquiry, Dallas, 9/29/56.

- R U C -

DETAILS: AT AUSTIN, TEXAS

On October 2, 1956, Mr. JOHN OSORIO, Administrative Assistant to Governor ALLAN SHIVERS, Governor of State of Texas, Mr. DAVID GRANT, First Assistant, Attorney General, Attorney General's Department, State of Texas, Capitol Building, and Colonel HOMER GARRISON, Director, Texas Department of Public Safety, were advised of THURGOOD MARSHALL's allegation and that interview being conducted by the Dallas Office with plaintiffs who were questioned by State Officials and those brought before Court of Inquiry at Dallas, Texas, on September 29, 1956.

- R U C -

1CC: AAG CRIMINAL DIVISION
FORM 6-24 - 10-16/5/56 [REDACTED]

APPROVED AND FORWARDED: <div style="text-align: center;"></div>	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES
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EXP. PROC.

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SA 44-309

REFERENCE

Dallas teletype to San Antonio October 1, 1956.
San Antonio teletype to Bureau and Dallas October 2, 1956.



ADMINISTRATIVE PAGE

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FEDERAL BUREAU OF INVESTIGATION

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14,15,16,18

Reporting Office Dallas	Office of Origin DALLAS	Date 10/1/56	Investigative Period 9/30;10/1/56
TITLE OF CASE UNKNOWN SUBJECTS, TEXAS. RANGERS; THURGOOD MARSHALL - COMPLAINANT		Report made by 	Typed By 
		CHARACTER OF CASE CIVIL RIGHTS	b7C 007-1

THURGOOD MARSHALL, Special Counsel, NAACP, NYC., alleged certain plaintiffs in Dallas Public School integration suit, to be heard 10/1/56, NDT, Dallas, Texas "intimidated" by two State Assistant Attorneys General and unidentified assisting local officers, in effort to get them not to prosecute Federal suit and to influence testimony in said suit. MARSHALL stated Attorney General's Office instituted series of interviews with plaintiffs, all parents or guardians of Negro children involved, culminating in Court of Inquiry before Justice of Peace, Dallas, 9/29/56; stated purported purpose of Court of Inquiry was in connection with Attorney General's suit to outlaw NAACP in Texas, actual purpose to force plaintiffs to state they did not hire attorneys who signed petition in Federal suit. MARSHALL stated unidentified officers took plaintiffs, without display of state process of any type and in some instances, under threats of incarceration and economic pressure before Court of Inquiry. MARSHALL furnished copies of unsigned statements which he said contained full details of "intimidations." Examinations of statements discloses no indication three of persons have been interviewed by Attorney General's staff at any time; three interviewed prior to Court of Inquiry at their places of employment; three appeared before Court of Inquiry.

LCC: AAG CRIMINAL DIVISION

Approved 	Special Agent in Charge	Do not file in office below	
Copies made: 2 - Bureau 1 - USA, Fort Worth 2 - Dallas (44-739)		44-10894-19	RECORDED - 7
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58 OCT 25 1956

LCC: AAG CRIMINAL DIVISION
FORM 6-94B 10/3/56

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Section 552

Section 552a

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[REDACTED]

Civil Rights Congress and Communist Party, USA, have been designated by the Attorney General pursuant to Executive Order 10450.

Office Memorandum • UNITED STATES GOVERNMENT

TO : FBI, DIRECTOR ()
FROM : *WMP*, DALLAS (44-739)
SUBJECT: UNSUBS; *✓*
THURGOOD MARSHALL -COMPLAINANT
CIVIL RIGHTS

DATE: 11/2/56

b7C

Re Bureau letter to Dallas 10-18-56.

Attached hereto are two newspaper articles appearing in the DALLAS MORNING NEWS, Dallas, Texas, under date of November 2, 1956.

In the event other items appear in the Dallas newspapers, the Dallas Office will make them available to the Bureau.

3 - Bureau (Encls. 2)
1 - Dallas (44-739)

(4)

1 Encl sent
to [redacted]

RECORDED - 23

44-10814-20

b7C

71 NOV 5 1956

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Suit Plaintiff Backs Down On Statement

By JOHN MARHEK

A plaintiff in the Dallas school integration case Thursday said that a signed statement he had made in connection with the Attorney General's office barratry hearing here Sept. 28 contained falsehoods.

Theodore Dorsey, giving a court deposition to Federal Court Reporter Tom Irby, told Dallas Independent School District Atty. Andrew Thuss of the falsehoods. Thuss said Dorsey's statement made to two of Atty. Gen. John Ben Shepperd's assistants before the hearing was not sworn.

Dorsey said that he never had been in touch with a man identified as Edwin Washington (NAACP) executive secretary in Dallas as was stated in his signed statement. Other statements he said were false included:

1. That he was not concerned whether his stepson, Albert Bell, went to a white school or not. He said he was concerned.

2. That he made the statement of his own free will.

"I had an inferiority complex like any Negro in the South has with the situation like it is," Dorsey declared. He said he had learned later that Texas Rangers were across the street when he made the statement before the hearing held in Justice of the Peace W. E. Richburg's court.

Dorsey said he applied to the NAACP for help a week before his stepson was not admitted at Adamson High in September of 1955.

W. J. Durham, NAACP attorney, told Thuss that one plaintiff, Luenda Gipson, had decided to drop her suit against the school district. He said her action was made "due to certain events" which would be amplified in later federal court filings.

Mrs. Gipson was one of the Negroes who actually testified in the Attorney General's hearing.

Willie Mae Goldstein, another participant in that hearing, said she could not remember if she authorized anyone to file the suit. Asked by Thuss if she had not

given a sworn statement that she had not authorized it, she replied: "I just couldn't say."

She said she received no instructions to enter her daughter, Charlene, but did so "after the Supreme Court's ruling." She told Thuss she still wanted her daughter to attend Adamson, though Charlene will graduate from Lincoln High School in June, because it was nearer her home.

Louie Borders Jr. testified that he had been instructed by "a lady" at the NAACP office to enter his daughter, Hilda Ruth, at Adamson. He said he later signed a paper authorizing a filing of the suit.

Under cross examination by Durham, Borders added that he got the instructions after first telephoning the NAACP offices and asking for help.

Additional testimony Thursday came from Frankie Bush and the Rev. Paul A. Sims, other plaintiffs in behalf of Negro youths.

Thuss will continue taking depositions at 9 a.m. Friday. There are 24 plaintiffs in the case.

The depositions are being taken to shorten the actual court hearing but the testimony given becomes a permanent part of the record. The case is set for Nov. 14 before Federal Judge William Hawley Atwell.

b7C

ICC: AAG CRIMINAL DIVISION
FORM 6-95 4/8/56

"Dallas Morning News"
Dallas, Texas, 11/2/56

Felix R. McKnight
Managing Editor

INDEXED	FILED
SERIALIZED	FILED
NOV 1956	
FBI - DALLAS	

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cc: Mr. Rosen
Mr. Stanley

Assistant Attorney General
William F. Tompkins
Director, FBI

October 26, 1956

[REDACTED] b7C
Dallas, Texas
SECURITY OF GOVERNMENT EMPLOYEES

Reference is made to the report of Special Agent [REDACTED] dated October 4, 1956, at Dallas, Texas, entitled "Unknown Subjects, Thurgood Marshall - Complainant - Civil Rights," which was forwarded to the Criminal Division on October 8, 1956. The results of an interview with [REDACTED], appeared on page thirty-five of the report. [REDACTED] is one of twenty-four plaintiffs in Bell versus Rippy, No. 6165, Northern District of Texas, a suit directed toward seeking the enrollment of minor children in the Dallas public schools, which is scheduled to be heard before United States District Court Judge William H. Atwell, Dallas, on November 14, 1956, (44-10894-16)

In May, 1951, the Dallas Chapter of the Civil Rights Congress formed a special committee known as "The South Dallas Citizens Committee for the People" for the purpose of protesting the murder of one Ray Butler. [REDACTED] of the Committee, and a confidential informant gave address as [REDACTED] (Dallas), Texas. It was ascertained later in May, 1951, that the Committee failed to proceed with the Butler protest and was doing nothing further. The Civil Rights Congress has been designated by the Attorney General pursuant to Executive Order 10450.

During the interview with [REDACTED] on October 3, 1956, he advised he is employed [REDACTED] Dallas, Texas. [REDACTED] resides at [REDACTED] Dallas, Texas, and his wife is [REDACTED] the 1951 Dallas City Directory listed [REDACTED] wife residing at [REDACTED] Dallas.

In view of the suit pending in the U. S. District Court, Northern District of Texas, in which [REDACTED] is a plaintiff and

cc: 44-10894

MAILED 6
OCT 25 1956
COMM. FBI

NOTE: SEE PAGE 2

Tolson _____
Belmont _____
Mohr _____
DeLoach _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tamm _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

8

JAN R JRM

b7C

119

Assistant Attorney General
William F. Tompkins

October 26, 1956

which is not scheduled to be heard until November 14, 1956, your advice is requested concerning whether investigation should be instituted concerning [REDACTED] under Executive Order 10450.

b7C

cc: 1 - Assistant Attorney General
Warren Olney III

NOTE:

[REDACTED] is one of 24 plaintiffs who filed suit in Federal court, Dallas, Texas, against the Dallas school board to force integration in Dallas public schools. The suit is styled Bell versus Rippy. Thurgood Marshall, Special Counsel for the National Association for the Advancement of Colored People, complained to the Department that individuals who had instituted the above suit had been intimidated by Texas Rangers and representatives of the Attorney General of the State of Texas. It was alleged that such intimidation was caused because the plaintiffs had instituted action in Federal court. Department of Justice requested Bureau to interview plaintiffs. On interview [REDACTED] executed a signed statement stating [REDACTED]

[REDACTED] according to [REDACTED] The suit is scheduled to be heard 11/14/56.

11-16-56

AIRTEL

SAC, DALLAS (44-739)

UNKNOWN SUBJECTS;
THURGOOD MARSHALL - COMPLAINANT
CIVIL RIGHTS

ReBulet dated 10-18-56.

Surep immediately reflecting results of hearing
scheduled for 11-14-56.

HOOVER

(4)

Tolson _____
Nichols _____
Boardman _____
Belmont _____
Mohr _____

RECORDED - 124

44-10894-21



11 NOV 20 1956

MAILED 10
NOV 16 1956
COMM-FBI

121

FEDERAL BUREAU OF INVESTIGATION

b7C

Reporting Office DALLAS	Office of Origin DALLAS	Date 11/19/56	Investigative Period 11/19/56
TITLE OF CASE UNKNOWN SUBJECTS; THURGOOD MARSHALL - COMPLAINANT		Report made by 	
		Character of Case CIVIL RIGHTS	

Synopsis:

Trial of Dallas, Texas public schools integration suit postponed until 12/15/56.

-P-

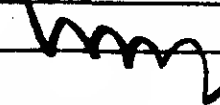

DETAILS:

AT DALLAS, TEXAS

An article in the Dallas Times Herald newspaper, issue of November 8, 1956, stated trial of the suit to force integration in the Dallas Independent School District (BELL vs. RIPPY, No. 6165, NDT), which had been scheduled for November 14, 1956, was reset for December 15, 1956, by United States District Judge WILLIAM ATWELL, at the request of counsel for the school district.

-P-

b7C

Approved 	Special Agent in Charge	Do not write in spaces below	
Copies made: 2 - Bureau 1 - USA 2 - Dallas (44-739) 11/26/56 0-19 11/26/56 6-10 11/26/56 		1 - 11/19/56 - 22	RECORDED
		27	5 DEC 23 1956

1CC: AAG CRIMINAL DIVISION
FORM 6-94

50 DEC 3 1956

127

DL 44-739

LEADS

DALLAS

AT DALLAS, TEXAS

1. Will forward newspaper articles to Bureau, per Bureau instructions.
2. Will report action taken in USDC, Dallas, on 12/15/56.

REFERENCES: Reports of SA [REDACTED] Dallas, 10/1,4/56.
Bulet, 10/18/56.
Buairtel, 11/16/56.

b7C

ADMINISTRATIVE PAGE

Routing Slip
FD-4 (8-18-54)

Date 11/16/56

To

☐ Director **FILE # 44-739**
Att. **CIVIL SUPERVISOR**
☐ SAC **le**
☐ ASAC **INSUBS; THURGOOD MARSHALL - b7C**
☐ Supv. **COMPLAINANT**
☐ Agent **CR**
☐ SE
☐ CC
☐ Steno
☐ Clerk

ACTION DESIRED

<input type="checkbox"/> Reassign to	<input type="checkbox"/> Initial & return	<input type="checkbox"/> Open Case
<input type="checkbox"/> Send Serials	<input type="checkbox"/> Search & return	<input type="checkbox"/> Expedite
<input type="checkbox"/> Submit report by	<input type="checkbox"/> Recharge serials	<input type="checkbox"/> Correct
<input type="checkbox"/> Submit new charge-out	<input type="checkbox"/> Prepare tickler	<input type="checkbox"/> Call me
<input type="checkbox"/> Leads need attention	<input type="checkbox"/> Return serials	<input type="checkbox"/> See me
<input type="checkbox"/> Return with explanation or notation as to action taken.	<input type="checkbox"/> Acknowledge	<input type="checkbox"/> Type
	<input type="checkbox"/> Bring file	<input type="checkbox"/> File
	<input type="checkbox"/> Delinquent	

Per Bulet to Dallas 10/18/56.

INDEXED - 124

EX-117

44-19894-
NOV 27 1956

2 ENCLOSURES
C. J. P. 11/22/56
449

67 DEC 3 1956

W. A. MURPHY
DALLAS

SAC

Office

124

Ex-NAACP Aide Gives Deposition

A former assistant field secretary of the National Association for Advancement of Colored People, Edwin C. Washington, Jr., Thursday testified some statements in a "confidential" report he made were "incorrect" and others didn't mean exactly what they said.

Mr. Washington gave a deposition to Dallas School Atty. Andrew J. Thuss in the school board's attempt to show that parents of Negro children got NAACP advice on how to challenge for entry into Dallas white schools.

The suit of the Negroes for admission to Dallas white schools is scheduled for Dec. 14 before U. S. Dist. Judge William H. A. well.

The report prepared by Mr. Washington was used by the state to bar the NAACP from Texas in a state court at Tyler. It mentioned instruction sheets given to 12 families which had agreed to try to enroll their children in Dallas.

The report said the names were secured and the sheets prepared with advice of regional counsel (of the NAACP).

The witness said, "That's not quite correct. I got no advice."

He also denied getting the names of 12 plaintiffs. He said, "That meant I contacted 12 persons to secure information necessary."

In depositions from plaintiffs taken earlier, they testified that they went to the schools in September, 1955, voluntarily and without the advice of the NAACP.

John Minton, Jr., Austin, one of the assistant state attorneys general who raided the Dallas NAACP and secured the report prepared by Washington, was scheduled to make a deposition after Washington.

File to OK

RE: UNSUBS;
THURGOOD MARSHALL - COMPLAINANT
CR
DL. FILE #44-729

b7C

"Dallas Times Herald"
Dallas, Texas, 11/15/56

Allen Merriam, Editor

ICC: AAG CRIMINAL DIVISION
FORM 6-95 *11-2-58*

44-

44-729

125

NAACP Secretary Denies Soliciting School Units

Edwin C. Washington, field secretary for the National Association for the Advancement of Colored People, testified Thursday

that he did not solicit or encourage Negro families to file suit in the Dallas school integration case.

Washington's testimony came in a deposition session in answers to questions by Atty. Andrew Thuss, representing the Dallas Independent School District.

Thuss quizzed Washington at length about a so-called "confidential report" in which the field secretary outlined his activity in the case.

Washington called several statements "incorrect" in the report, written by him, largely because he disagreed with Thuss' interpretation of the wording.

As to his statement that he solicited information from "probable plaintiffs," Washington said it was merely to get personal data for W. J. Durham, NAACP attorney. He said the families' names were already on file in the Dallas office.

Washington denied that he made a second contact with the 24 families that filed suit to instruct them on how to register their children. He also said there were no information sessions for the families on "how to be good plaintiffs."

He also said he did not select the 10 schools where the Negro children tried to register in September of 1955. He said the word "selected" meant that the families selected the schools because they were nearer their homes.

Washington said that he had not chosen Dallas as an "integration test city" in Texas. He said the Rev. B. R. Riley, president of the local NAACP branch, told him that the suit would be filed.

Another witness was Asst. Atty. Gen. John H. Minton Jr. of Austin. He identified the report as one entered in evidence at Tjfer (where the NAACP was temporarily enjoined from doing business in Texas.)

Minton said he came across a copy of the report while investigating the local NAACP office for possible barratry statute violations.

On cross examination, Durham queried Minton about a statement he took from Theodore Dorsey, one of the plaintiffs. (Two weeks ago Dorsey denied that he had been contacted by Washington, an admission he made in the statement.)

"You were actually trying to intimidate him, weren't you?" Durham asked.

Minton replied that he only asked Dorsey about contacts he had received prior to the suit to carry out his barratry probe as directed by Atty. Gen. John Ben Shepperd.

A hearing Nov. 19 before Federal Judge William Atwell in which NAACP attorneys sought to quash the document as evidence was canceled. Thuss said that the testimony was sufficient and he would not press the point.

Barring future court delays, the case will come to trial Dec. 14.

Felt

RE: UNSUBS; THURGOOD
MARSHALL - COMPLAINANT
CR
BU. FILE
DL. FILE #44-739

b7c

"Dallas Morning News"
Dallas, Texas, 11/16/56

Felix S. McKnight,
Managing Editor

ICC: AAG CRIMINAL DIVISION
FORM 6-95

44-1

44-739-23

126

FBI

Date: 12-13-56

Transmit the following message via AIRTEL

AIR MAIL

(Priority or Method of Mailing)

TO: DIRECTOR, FBI (44-10894)

From: SAC, Dallas (44-739)

UNSUBS; 0
THURGOOD MARSHALL - COMPLAINANT;
CR

Rerep SA [REDACTED] 11-19-56, DL.

Item in Dallas Morning News, newspaper, issue of 12-13-56, reflects trial of Dallas, Texas, Public Schools' integration suit again postponed by FDJ ATWELL at request of NAACP attorneys to Wednesday, 12-19-56. Basis for postponement is fact that NAACP attorneys currently occupied with State suit at Tyler, Texas.

MURPHY

③ Bureau
1 Dallas

(4)

Mr. Rosen

DEC 26 1956

Approved: [Signature] Special Agent in Charge

Sent [REDACTED] M Per [REDACTED]

Mr. Tolson
Mr. Nichols
Mr. Boardman
Mr. Belmont
Mr. Mohr
Mr. Parsons
Mr. Rosen
Mr. Tamm
Mr. Trotter
Mr. Nease
Tele. Room
Mr. Holloman
Miss Gandy

RECORDED

44-10894-24

127

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Rosen

DATE December 19, 1956

FROM : F. L. Price

RE: Tel call 6:34 p.m.

SUBJECT: THURGOOD MARSHALL,
COMPLAINANT, CIVIL RIGHTS

Tolson	
Boardman	
Nichols	
Belmont	
Mohr	
Parsons	
Rosen	
Tamm	
Sizoo	
Winterrowd	
Tele. Room	
Holloman	
Gandy	

SAC Murphy, Dallas, called to advise that Judge William Haley Atwell, today dismissed the petition which had been filed in the District Court at Dallas, Texas, in the case Bell vs. Rippey. Murphy said that Rippey is the head of the local school board. In this suit, the Association for the Advancement of Colored People (NAACP) is seeking to have the school board admit Negroes to local schools on a non-segregated basis.

We had conducted investigation at the request of the Department, results of which were furnished to the Department on 10/8/56. Marshall, special counsel for the NAACP, had originally complained to the Department that individuals who had instituted suit in Federal Court against the Dallas, Texas, School Board, had been intimidated by Texas Rangers and representatives of the Attorney General of the State of Texas. It was alleged that such intimidation was caused when such individuals instituted action in Federal Court.

ACTION:

SAC Murphy was told to advise the Bureau by teletype when further details of the Court's dismissal are known.

44-10894

cc: Mr. Nichols

(8)

REC-123

44-123

13 DEC 27 1956

DEC 27 1956

128

December 28, 1956

Airtel

SAC, Dallas (44-739)

UNSUBS; THURGOOD MARSHALL - COMPLAINANT, CR.

Rerep SA [REDACTED] 11-19-56, at
Dallas, and urairtels 12-20 and 22-56.

Sumairtel date report submitted and name of
reporting Agent.

HOOVER

44-10894

(4)

b7c

Tolson _____
Belmont _____
Boardman _____
Clegg _____
Glavin _____
Ladd _____
Nichols _____
Rosen _____
Tracy _____
Harbo _____
Mohr _____
Parsons _____
Winterrowd _____
Tele. Room _____
Holloman _____
Gandy _____

RECORDED - 10

44-10894

COMM - FBI
DEC 28 1956
MAILED 31

EX-172

JAN 2 1957

1251

FBI

Date: 12/21/56

Transmit following message via AIRTELAIRMAIL

(Priority or Method of Mailing)

TO: DIRECTOR, FBI

FROM: SAC, DALLAS

UNKNOWN SUBJECTS; THURGOOD MARSHALL -
COMPLAINANT
CR

Re Dallas airtel to Bureau, 12/20/56.

There are being enclosed herewith two newspaper articles from "The Dallas Morning News", dated December 21, 1956, relative to plans by the NAACP to appeal the decision handed down by USDC, Dallas, Texas, on December 19, 1956, in the case of BELL vs. RIPPY, Civil Docket No. 6165, Northern District of Texas. Also enclosed are two copies of an editorial from "The Dallas Morning News", December 21, 1956, captioned "ATWELL on School Integration", concerning the same matter.

MURPHY

Bureau (Encls. 4) (44-10894)
Dallas (44-739)

Mr. Rosen

RECORDED-79

44-10894-27
JAN 2 1957

52 JAN 7 1957

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

Mr. Tolson	_____
Mr. Nichols	_____
Mr. Boardman	_____
Mr. Belmont	_____
Mr. Mohr	_____
Mr. Parsons	_____
Mr. Rosen	_____
Mr. Tamm	_____
Mr. Trotter	_____
Mr. Nease	_____
Tele. Room	_____
Mr. Holloman	_____
Miss Gandy	_____

NAACP Plans Appeal Of New Court Rebuff

By SUE CONNALLY

As an attorney for the National Association for the Advancement of Colored People indicated Thursday that his group will now concentrate on fighting the second dismissal of the NAACP's case against the Dallas Independent School District, School Supt. W. T. White told The News that two more of its studies on desegregation problems will be released in early spring.

The two, he said, will probably be on the "over-all impact on individual pupils" and the "social life of the children within the school" in an integrated system.

U.S. Judge William Hawley Atwell Wednesday dismissed the suit—for the second straight year—to give the Dallas system "ample" time to work out the problems of desegregation.

C. R. Bunkley Jr., an NAACP attorney, Thursday commented, "Our only plan is just appealing the case. That's the only plan we could have right now."

Bunkley, who delivered the closing argument for the NAACP during the hearing, declined to make a statement about Judge

Atwell's action. "I never comment on a judge's decision," he said.

Of the decision White earlier declared, "The court recognized the seriousness of purpose which has motivated both the Board of Education and the school administrative staff."

Thursday he said, "We shall continue to study the problems and the problems ahead are very serious and critical."

"We shall have to find a way to put into effect decrees of the Supreme Court as well as any decrees that may follow . . . to maintain a good climate for school work."

The two reports which will be made in the spring are included in the 12-point study of the problems of desegregation that were asked to be compiled by the Board of Education when it met July 14, 1955.

The two "have been studied very carefully," White said. The over-all impact on the pupils "is a most critical problem because there the child becomes an individual person."

The superintendent added that "you can't separate a child from his environment." What happens at home "affects very decidedly" See APPEAL, Page 12, Col. 1

APPEAL

Continued From Page 1

his accomplishment and achievement in school."

The second report, he said, will be studied not only from the "recreational" standpoint but also from a "broader concept of the social relationship—understanding, fellowship and good will."

The 12-point study has been a principal factor in the integration suit which was brought by the NAACP on behalf of Negro parents who tried, and failed, to enroll their children in white schools in September, 1954.

The case was first tried by Judge Atwell in September, 1955, who then ruled the suit "improper" and allowed the Dallas system time to complete its study. The decision rendered on Sept. 16 was sent back to Atwell by the U.S. Fifth Circuit Court of Appeals at New Orleans and later by the Supreme Court for the Judge to hear on its merits. He

did not hear testimony in the first trial.

Also in his decision Wednesday Judge Atwell rebuked the Supreme Court for its famed, May, 1954, integration decision. The court, said Atwell, based its decision not on law but on "modern psychological knowledge." This knowledge, he added, "existed at the time that the now discarded doctrine of equal facilities was initiated."

b7c

"Dallas Morning News"
Dallas, Texas
December 21, 1956

Felix R. McKnight
Managing Editor

ICC: AAG CRIMINAL DIVISION
FORM 6-95 6-52-55

ENCLOSURE

131

Atwell on School Integration

FEDERAL District Judge William H. Atwell handed down Wednesday a decision which may well have jolted the Supreme Court at Washington. Yet he did it in such masterful fashion as to make it both a devastating critique of the Warren line of desegregation opinions and a literal compliance with the latest of those opinions. It should become a historic rebuke to all courts which decree the law instead of interpreting it.



ATWELL

I. Judge Atwell: "I believe it will be seen that the court based its decisions on no law, but rather on what the court regarded as more authoritative modern psychological knowledge than existed at the time that the now discarded doctrine" (Plessy v. Ferguson, 163 U.S. 537) "of equal facilities was initiated."

Supreme Court (May 17, 1954): "Whatever may have been the psychological knowledge at the time of Plessy v. Ferguson" (1896) "this finding" (for desegregation of schools) "is amply supported by modern authority." By footnote the court lists the "authority" on which it relies: Clark, Witmer, Kotinsky, Deutscher, Cheln, Brameld, Frazier and Myrdal—none of them authorities on law.

II.

Were the decisions of the Warren court based on the Constitution? The Supreme Court is quite frank about it: "In the South, the movement toward free common schools, supported by general taxation, had not yet" (1868) "taken hold. Education of white children was largely in the hands of private groups. Education of Negroes was almost nonexistent, and practically all of the race was illiterate. Even in the North the conditions of public education did not approximate those existing today. . . . As a consequence, it is not surprising that there should be so little in the history of the Fourteenth Amendment relating to its intended effect on public education." (As a matter of fact there was not merely "so little," but actually nothing in that history relating to any such intent—there was no such intent and no basis then for it.)

III.

Judge Atwell: "It seems to me, in view of the facts, that the white schools are hardly sufficient to hold the present number of white students, that it would be unthinkable and unbearably wrong to require the white students to get out so that the colored students could come in. "We have civil rights for all the people under the National Constitution, and

I might suggest that if there are civil rights, there are also civil wrongs." (But if a white school child has any civil rights protected by the Constitution, the Supreme Court has not discovered them.)

The Supreme Court concedes that all tangible factors in education are equal and that there is no discrimination therein. But it bases what the court itself calls "intangible" inequality upon findings of Messrs. Clark, Witmer, Kotinsky, Deutscher, Cheln, Brameld, Frazier and Myrdal aforesaid: "Our decision, therefore, can not turn on merely a comparison of these tangible factors in the Negro and white schools involved in each such case."

Whereupon the Supreme Court puts it baldly on its ipse dixit: "We have now announced that such segregation is a denial of the equal protection of the laws."

IV.

Has Judge Atwell transgressed his judicial grade and authority in the federal system? On the contrary, his actual decision is based squarely on the Supreme Court instructions to lower courts as contained in its opinion of May 31, 1955:

"The courts may find that additional time is necessary to carry out the ruling in an effective manner. The burden rests upon the defendants to establish that such time is necessary in the public interest and is consistent with good-faith compliance at the earliest practical date. To that end, the courts may consider problems related to administration, arising from the physical condition of the school plant, the school transportation system, personnel, revision of school districts and attendance areas into compact units to achieve a system of determining admission to the public schools on a nonracial basis, and the revision of local laws and regulations which may be necessary in solving the foregoing problems."

The effect of the Atwell decision will be (1) delay, (2) renewed appeal to the Circuit Court of Appeals at New Orleans, (3) appeal from that court to the Supreme Court, (4) the right, without prejudice, for the plaintiffs to come afresh into Judge Atwell's court when conditions so justify.

Beyond that, the wider and more sweeping effect will surely be a re-examination of the power of the Supreme Court to forget established law and proclaim novel criminal law under which alleged violators are arrested on bench warrant without indictment, tried without jury and imprisoned for indeterminate sentences at the will or at the whim of a federal judge. Civil rights either are or are not good as against an overweening desire of the courts to run the country on the say-so of Clark, Witmer, Kotinsky, Deutscher, Cheln, Brameld, Frazier and Myrdal.

"The Dallas Morning News"
Dallas, Texas, 12/21, 56

William B. Huggles
Editor

ICC: AAG CRIMINAL DIVISION
FORM 6-95 12-21-56

ENCLOSURE

44-1111-29

132

F B I

Date: 12/20/56

Transmit following message via AIRTEL

PRIORITY MAIL

TO: DIRECTOR, FBI

FROM: SAC, DALLAS

UNKNOWN SUBJECTS; THURGOOD MARSHALL -
 COMPLAINANT
 CR

Re report of SA [REDACTED] 11/19/56, at Dallas.

United States Judge WILLIAM HAWLEY ATWELL of Northern District of Texas, on December 19, 1956, after hearing arguments in the case of BELL vs. RIPPY, Civil Docket No. 6165, Northern District of Texas, dismissed without prejudice the action to force integration in the Dallas Independent School District, Dallas, Texas.

There is being enclosed herewith two newspaper articles from the Dallas daily "Times Herald", dated December 19, 1956, and two articles from "The Dallas Morning News", dated December 20, 1956, concerning the action of United States District Court in this matter.

MURPHY

③ - Bureau (44-10894) (Encls. 4)
 1 - Dallas (44-739)

ENCLOSURE

Mr. Rosen

RECORDED-20

44-10894-28

JAN 2 1957

52 JAN 7 1957

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

Mr. Tolson
 Mr. Nichols
 Mr. Boardman
 Mr. Belmont
 Mr. Mohr
 Mr. Parsons
 Mr. Rosen
 Mr. Tamm
 Mr. Trotter
 Tele. Room
 Mr. Holloman
 Miss Gandy

133

Atwell Again Denies Plea for Integration

By BILL GLINES

Times Herald Staff Writer

U. S. Dist. Judge William Hawley Atwell Wednesday ruled that Dallas public schools should not be racially integrated immediately.

In so ruling, Judge Atwell found in favor of the Dallas Independent School District and against parents of 19 Negro children who originally brought the suit to gain entry to local white schools on Sept. 5, 1955.

Judge Atwell said the U. S. Supreme Court ruling ending racial segregation is not based on law, "but on modern psychological knowledge."

Judge Atwell originally refused to hear the case on grounds it was "prematurely" filed. The U. S. Circuit Court of Appeals at New Orleans remanded it to him for a full dress hearing.

"CIVIL WRONGS"

In his decision, at the end of a trial which took all Wednesday morning, Judge Atwell said, "If there is such a thing as civil rights, there are civil wrongs. It would be unthinkable and unbearably wrong to make white students get out of Dallas schools so as to let in colored students."

He was referring to testimony earlier in the trial that immediate integration of the schools by 15 per cent of the 119,000 school-age children, representing the

Negro student population, would displace many white students.

Speaking in high, emotion-packed tones, Judge Atwell referred to the Supreme Court desegregation ruling as "being based on no law, but a modern psychological knowledge."

Justice (Felix) Frankfurter warned us that we should take note of social scientists."

Atty. W. J. Durham, who represented the parents of 19 Negro children who attempted to enter Dallas white schools last year,

said he would appeal Judge Atwell's decision within 10 days.

Judge Atwell remarked that the Negro population in Dallas has competent teachers and equal school facilities. "Does the keeping apart of the two races constitute a deprivation of a constitutional right?"

PREPARED IN ADVANCE

"There has been no complaint against the competency of colored teachers."

"The school board here, according to dictates of the Supreme Court, has studiously sought to integrate the schools. School authorities are doing their very best to comply with the ruling of the Supreme Court."

"I see nothing here to require an injunction calling for integration. The school board must be given ample time to work out its problem."

Judge Atwell spoke from a three-page typed decision, an indication that portions of the decision had been prepared before the trial.

NEGROES TESTIFY

Six Negro parents testified during the morning concerning their attempts in September, 1955, to enroll their children in local white schools.

All testified that they tried to enroll their children in white schools near their homes and in each case were required instead to send their children to schools as much as "four or five miles" from their homes.

Rev. Paul A. Sims, 2310 South Blvd., a Methodist minister, said his daughters, Rose Sharon, a fourth grader, and Maude Lola, a third grader, were required to go "18 blocks through busy traffic" to the Charles Rice Negro School rather than to John Henry Brown School, which is only four blocks from his home.

Louis Borders, Jr., testified his daughter, Hilda, had to go "four or five miles" to a Negro high school rather than to Adamson High School only four blocks from his Oak Cliff home.

NEGROES BEHIND

Dr. W. T. White, superintendent of schools, was the first witness for the school board. Under questioning by Andrew J. Thuss, school board attorney, Dr. White testified that white students would be displaced if Negroes were allowed to enter the white schools. He added that Negro children are 1 1/2 years behind white students at the first-grade

level and 2 1/2 years behind at the 12th grade level.

"Integration would retard the learning of whites," Dr. White said.

A deposition by Edwin C. Washington, former National Association for Advancement of Colored People field secretary for Texas, was read into the record by Atty. Thuss.

The deposition pointed out that in some instances the NAACP had sought to represent the Negro children in the school case.

At the end of the reading Judge Atwell threw the testimony out, declaring, "I know that there is an injunction in state courts barring the NAACP from activity in Texas."

"That injunction does not rule my court. This court allows its clients to hire any lawyer they want to represent them."

100: AAG CRIMINAL DIVISION
FORM 6-95

"Dallas Times Herald"
Dallas, Texas, 12/19/56

Allen Merriam, Editor

RE: UNSUBS; THURGOOD MARSHALL -
Complainant. CR

DL File #44-739

44-10874-28

134

U.S. Judge Bars Immediate Entry Of Negro Pupils

'54 Ruling Criticized By Atwell

By SUE CONNALLY
For the second time in two years U. S. Judge William Hawley Atwell ruled Wednesday that the Dallas school system may remain segregated while it continues its study of the problems of desegregation.

In his decision Judge Atwell also rebuked the United States Supreme Court for basing its famed May, 1954, integration decision not on law but on "modern psychological knowledge."

The integration suit brought against the Dallas Independent School District by the National Association for the Advancement of Colored People, was dismissed by Atwell, who declared:

"I . . . dismiss this suit without prejudice in order that the School Board may have ample time, as it appears to be doing, to work out this problem."

W. J. Durham, attorney for the NAACP, indicated an immediate appeal would be filed. Ten days are allowed under law to give notice of appeal of a case.

Following the hearing, which lasted about two and a half hours, Judge Atwell commented, "It should also be borne in mind that the state statute requires separate schools for colored and white students."

This suit is brought, therefore, under the national civil rights of the Constitution, and not under the state statutes, as the counsel for the defendants (The Dallas school system) contends here.

"There is no question here as to the administrative procedure or administrative course that should be followed.

"We have civil rights for all people under the national Constitution, and I might suggest that if there are civil rights there are also civil wrongs.

"It seems to me, in view of the facts, that the white schools are hardly sufficient to hold the present number of white students; that it would be unthinkable and unbearably wrong to require the white students to get out so that the colored students could come in. That would be the result of integration here."

The judge pointed out that out of a school enrollment of 119,000, about 15 per cent are Negro students.

He continued, "Dallas is constantly growing, as the testimony shows, and the School Board and City Council are constantly making further expenditures to increase school facilities for each white and colored, and I see no equity here, gentlemen, which would require an injunction which would compel integration as prayed and sought at the present time."

Commenting on the Supreme Court's action Atwell declared, "I believe that it will be seen that the court based its decision on no law but rather on what the court regarded as more author-

tative, modern psychological knowledge that existed at the time that the now discarded doctrine of equal facilities was initiated.

"It will be recalled that in 1952 Mr. Justice (Felix) Frankfurter said it was not competent to take judicial notice of, quote, 'claims of social scientists,' and of quote."

In the closing argument for the NAACP, Atty. C. B. Bunkley accused the Dallas school district of not planning for future desegregation.

Bunkley recalled in September 1954 the Negroes who attempted to enroll their children in white schools were turned away.

He said, "They were denied admission solely because they were Negroes. Segregation is still the policy. The record shows that no effort at all was made to desegregate the schools."

Bunkley also recalled the earlier testimony of T. W. Browne, assistant superintendent in charge of business and secretary of the School Board, who told the court of plans to build and open a new Negro junior high school (Sequoiah Junior High School.)

He (Bunkley) then asserted, "Even in the future they plan to carry out the policy which is completely contrary to the Supreme Court's ruling."

Andrew J. Thoms, attorney for the Dallas school district, in his closing argument, said that desegregation would create "turmoil, confusion resulting in a lack, a denial of public free school education to all children."

School Supt. W. T. Wolfe, in his testimony, pointed out that results of tests given to both white and Negro students showed that Negro students in the first grade level were one and a half years behind white students in reading and were three and a half years behind white students at the high school level.

"The older the children the

b7c

ICC: AAG CRIMINAL DIVISION
FORM 6-95

"Dallas Morning News"
Dallas, Texas, 12/20/56

Felix R. McKnight,
Managing Editor

RE: UNSUBS.; THURGOOD
MARSHALL, Complainant.
DL-File #44-739
BU. File #44-10894

greater the gap." commented

The superintendent also indicated that to place the two races in the same classroom would be an injustice to both.

The white children "would be doing a retarded type of learning" and the Negroes would "not be prepared to do the work of white children," he said.

Thuss asked White if he (White) thought there would be enough teachers following integration and White replied, "I don't think so, Mr. Thuss."

White also brought out that half of the studies of the problems of desegregation, as ordered by the Dallas Board of Education on July 14, 1955, had been released.

Six witnesses were called by the NAACP. All were parents of the Negro children who tried to enroll in school in 1954 but were not admitted. Each testified that the school to which their children tried to enroll was closer to their homes and that the schools which they were forced to enter were much farther away from the homes.

These witnesses were the Rev. Paul A. Sims, Elmer D. Hurdle, Louis Borders Jr., Mrs. Ira Nelson, Mrs. Leo M. Smith and L. G. Elder.

Earlier testimony in the case, Judge Atwell pointed out, "shows unmistakably that competent teachers, equal school facilities, and text books, and all sorts of school paraphernalia are furnished to both the white and colored schools and pupils, and so the sole question for the determination of this court of equity is whether the keeping apart of the two races is a deprivation of any constitutional right."

There is no complaint against the colored teachers, though we might quite appropriately inquire what would become of the col-

ored teachers if and when the colored students are taken away from them.

"Is it possible or probable that the colored teachers would be hired to teach the white pupils? There is no complaint by the plaintiffs against the competency of the colored teachers nor against the impediments or physical features of the school buildings, and the school grounds, or the size."

Atwell added, "I think that the testimony shows completely that the school authorities here in charge of this Independent School District are certainly doing their very best to comply with the ruling of the Supreme Court of the United States."

Atwell's first decision was on Sept. 16, 1955, when he ruled, "I think it appropriate that this case be dismissed without prejudice to refile it at some later date."

He called the NAACP's action premature, and allowed the Dallas system time to make its study.

The U.S. Fifth Circuit Court of Appeals at New Orleans, La., and later the Supreme Court sent the case back to Judge Atwell, who in the first case did not hear testimony.

Dr. Edwin L. Rippy, president of the School Board commented following the decision, "The board is naturally pleased with the decision of the court . . . and will

continue to work in good faith with the people of Dallas of all races to the end that the interest of their children will be best served."

"Dallas Morning News"
Dallas, Texas, 12/20/56

Felix R. McKnight,
Managing Editor

RE: UNSUBS.: THURGOOD MARSHALL
Complainant. CR
DL. File #44-739
BU. File #44-10894

F B

Date: 12/31/56

Transmit the following message via

AIRTEL

AIRMAIL

(Priority or Method of Mailing)

TO: DIRECTOR, FBI (44-10894)

FROM: SAC, DALLAS (44-739)

UNKNOWN SUBJECTS; THURGOOD
MARSHALL - COMPLAINANT
 CR

Pending report of SA [REDACTED]
 1956, submitted.

dated December 28,

MURPHY

3 - Bureau (44-10894)
 1 - Dallas (44-739)

(4)

Mr. Rosen

RECORDED - 39

JAN 2 1957

Approved: [Signature]
 Special Agent in Charge

Sent _____ M Per _____

67 JAN 10 1957



Mr. Tolson	_____
Mr. Nichols	_____
Mr. Boardman	_____
Mr. Belmont	_____
Mr. Mohr	_____
Mr. Parsons	_____
Mr. Rosen	_____
Mr. Tamm	_____
Mr. Trotter	_____
Mr. Nease	_____
Tele. Room	_____
Mr. Holloman	_____
Miss Gandy	_____

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135

FEDERAL BUREAU OF INVESTIGATION

Reporting Office DALLAS	Office of Origin DALLAS	Date 12/28/56	Investigative Period 12/19/56
TITLE OF CASE UNKNOWN SUBJECTS; THURGOOD MARSHALL - COMPLAINANT		Report made by 	Typed By: 
		CHARACTER OF CASE CIVIL RIGHTS b7c	

Synopsis:

On 12/19/56, USDC, NDT, after hearing arguments in the case BELL vs. RIPPY, Civil Docket No. 6165, dismissed without prejudice the action to force integration in the Dallas, Texas, independent school district.


- P -


DETAILS:

AT DALLAS, TEXAS

United States District Judge WILLIAM HAWLEY ATWELL of Northern District of Texas, on December 19, 1956, after hearing arguments in the case of BELL vs. RIPPY, Civil Docket No. 6165, Northern District of Texas, dismissed without prejudice the action to force integration in the Dallas Independent School District, Dallas, Texas.

- P -

Note - Only one copy (original) of similar report received at Bureau. There are one copy typed for dissemination to Dept. 

Approved 	Special Agent in Charge	Do not write in spaces below	
Copies made: 2 - Bureau (44-10894) 1 - USA, Fort Worth 2 - Dallas (44-739)		44-10894-30	RECORDED-18
		24 JAN 2 1957	b7c

JAN 5 3 35 PM '57

ICC: AAG CRIMINAL DIVISION
FORM 6-94
JAN 1 1957

DL 44-739

LEAD

DALLAS:

AT DALLAS, TEXAS

Will follow and report any further action taken by the defendants in this matter, and also forward any newspaper articles to the Bureau, per Bureau instructions.

REFERENCES

Dallas airtel to Bureau, 12/20/56.

Dallas airtel to Bureau, 12/21/56.

ADMINISTRATIVE PAGE

FEDERAL BUREAU OF INVESTIGATION

Reporting Office Dallas	Office of Origin Dallas	Date 1/10/57	Investigative Period 1/9/57
TITLE OF CASE UNKNOWN SUBJECTS; THURGOOD MARSHALL - COMPLAINANT		Report made by [REDACTED]	Typed [REDACTED]
		CHARACTER OF CASE CIVIL RIGHTS <i>b7C</i>	

Synopsis:

Records, USDC, MDT, Dallas, Texas, examined 1-9-57, reflect notice of appeal from U. S. District Court's decision in instant matter was filed 12-31-56 in case of **BELL vs. RIPPY**, Civil Docket No. 6165, Dallas, Texas.

- P* -

DETAILS: AT DALLAS, TEXAS:

On January 9, 1957, the records of the U. S. District Court, Northern District of Texas, were examined in the case of **BELL vs. RIPPY**, Civil Docket No. 6165. These records reflected that on December 31, 1956, a notice of appeal from the decision of the U. S. District Court, Northern District of Texas, to the Circuit Court of Appeals was filed by Attorney U. SIMPSON TATE, attorney for the Plaintiff.

- P* -

Approved <i>[Signature]</i>	Special Agent in Charge	Do not write in spaces below	
Copies made: ② Bureau (44-10894) 1 USA, Fort Worth 2 Dallas (44-739)		44-10894-31	RECORDED-3
<i>icc log delay from 6-95-C 1/17/57</i>		14 JAN 18 1957	

158
50 JAN 23 1957

DL 44-739

LEADS

DALLAS:

AT DALLAS, TEXAS:

At expiration of 90 days, will check court records to ascertain whether any action taken on appeal filed 12-31-56 by plaintiff's attorney.

REFERENCE

Report of SA [REDACTED]

b7C
Dallas, 12-28-56.

ADMINISTRATIVE PAGE

FEDERAL BUREAU OF INVESTIGATION

b7C

Reporting Office DALLAS	Office of Origin DALLAS	Date 4/4/57	Investigative Period 4/2/57
TITLE OF CASE UNKNOWN SUBJECTS; THURGOOD MARSHALL - COMPLAINANT		Report made by [REDACTED]	Typed By: [REDACTED]
		CIVIL RIGHTS	

Synopsis:

Records, USDC, NDT, reflect transcript of record sent to Circuit Court of Appeals, 1/22/57, no further action.

-P-#

DETAILS:

On April 2, 1957, records of the United States District Court, Northern District of Texas, Dallas, Texas, were examined with reference to the case styled BELL vs. RIPPY, Civil Number 6165. These records reflect a transcript of the record of the trial Court was forwarded to the Circuit Court of Appeals, New Orleans, Louisiana, on January 22, 1957. No further action is recorded.

United States Attorney HEARD L. FLOORE, Northern District of Texas, Fort Worth, has furnished a copy of a letter dated March 21, 1957, from Mr. FLOORE to Honorable WARREN OLNEY, III, Assistant Attorney General, which makes reference to reports submitted in this case. The final paragraph of Mr. FLOORE's letter reads:

Approved [REDACTED]	Special Agent in Charge	Do not write in spaces below	
Copies made: 2 - Bureau (44-10894) 1 - USA, Ft. Worth 2 - Dallas (44-739)		44-10894-32	RECORDED - 12
		APR 5 1957	b7C
		[REDACTED]	[REDACTED]

ICC: AAG CRIMINAL
FORM 6-94

APR 10 1957

Property of FBI - This report is loaned to you by the FBI, and neither it nor its contents are to be distributed outside the agency to which loaned.

DL - 44-739

"In my opinion no violation of civil rights seems to have occurred. In view of the Department's memorandum to the F.B.I. dated October 16, 1956, and pertaining to this subject, I have kept this as an open matter. However, it is charged against me as a delinquency and I am, therefore, closing my file on this matter, subject to reopening the same if further evidence should hereafter disclose a violation."

-P-*

DL - 44-739

LEADS

DALLAS:

AT DALLAS, TEXAS:



At expiration of ninety days from date, will examine records of USDC, Dallas.

REFERENCE

Report of SA [REDACTED] Dallas, 1/10/57. b7C

ADMINISTRATIVE PAGE

FEDERAL BUREAU OF INVESTIGATION

Reporting Office DALLAS	Office of Origin DALLAS	Date 6/27/57	Investigative Period 6/26/57
TITLE OF CASE UNKNOWN SUBJECTS; THURGOOD MARSHALL - COMPLAINANT		Report made by 	Typed By 
		CHARACTER OF CASE CIVIL RIGHTS <i>b7C</i>	

Synopsis:

Records USDC, NDT, reflect
no action to date on appeal.


-P*-

DETAILS:

On June 26, 1957, records of the U. S. District Court Northern District of Texas, Dallas, Texas, were examined with reference to the case of BELL vs. RIPPY, Civil No. 6165. It was noted that action has been recorded to date regarding the appeal pending.

-P*-

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Approved 	Special Agent in Charge	Do not write in spaces below.	
Copies made: ② Bureau (44-10894) 1 USA, Fort Worth 2 Dallas (44-739)		44-10894-33	RECORDED
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100: AAG CRIMINAL DIVISION
FORM 6-94 19 7-5-57

68 JUL 11 1957 184

DL 44-739

-LEADS:

DALLAS: At Dallas, Texas, will, at expiration of 90 days from date, examine records USDC, Dallas.

b7C

REFERENCE: Report of SA [REDACTED] Dallas, 4-4-57.

ADMINISTRATIVE PAGE


Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (44-10894)

DATE: 8/16/57

FROM :  DALLAS (44-739)SUBJECT: UNKNOWN SUBJECTS;
THURGOOD MARSHALL - COMPLAINANT
CIVIL RIGHTSRe report SA  Dallas, 6/27/57.

Newspapers have recently carried notices that the Court of Civil Appeals has reversed the USDC, NDT, in connection with the appeal of the Dallas school integration suit, ruling against the school board.

SA  on 8/14/57, checked records of USDC, NDT, Dallas, and determined that the mandate of the Court of Appeals has not been forwarded as yet.

- Bureau
- Dallas

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DL 44-739

On July 23, 1957, the U. S. Court of Appeals for the Fifth Circuit ordered and adjudged that the judgment of the District Court is reversed and the cause is remanded with directions to the District Court to enter judgment restraining and enjoining the defendants (school board) from requiring segregation of the races in any school under their supervision, from and after such time as may be necessary to make arrangements for admission of children to such schools on a racial non-discriminatory basis, with all deliberate speed as required by the decision of the Supreme Court of the United States in Brown vs Board of Education of Topeka, 349 US 294, and retaining jurisdiction of the cause for such further hearings and proceedings and the entry of such orders and judgments as may be necessary or appropriate to require compliance with such judgment.

On September 9, 1957, the mandate of the U. S. Court of Appeals for the Fifth Circuit was filed by the Clerk, U. S. District Court for the Northern District of Texas, at Dallas, Texas.

On September 9, 1957, Judge W. H. ATWELL, U. S. District Judge for the Northern District of Texas, at Dallas, Texas, ruled as follows: This cause came on for hearing upon the decision and order of the U. S. Court of Appeals for the Fifth Circuit, entered on July 23, 1957, its order denying petition for rehearing entered on August 27, 1957, and the record heretofore made in this cause. It is ordered, adjudged and decreed that the defendants are permanently restrained and enjoined from requiring or permitting segregation of the races in any school under their supervision, beginning and not before the mid-winter school term of 1957-58, and defendants are hereby ordered and decreed to admit plaintiffs and the members of the class that they represent to the public schools under their control on the same terms and conditions as though they were members of the white race, as required by the decision of the Supreme Court in Brown vs Board of Education of Topeka, 349 US 294.

This order was entered on September 9, 1957, by the Clerk, U. S. District Court for the Northern District of Texas at Dallas, Texas.

DL 44-739

On September 27, 1957, defendants filed an appeal to the U. S. Court of Appeals for the Fifth Circuit, from the final judgment herein, entered on September 9, 1957. On October 3, 1957, the U. S. Court of Appeals for the Fifth Circuit ordered that the application for leave to file petition for writ of mandamus be set for hearing and oral argument, along with and at the same time as the appeal, at the forthcoming session of the Court at Fort Worth, Texas, at 10:00 AM, Friday, November 22, 1957.

With reference to the petition on which ruling was entered by the Appeals Court on August 27, 1957, the denial reads as follows:

Per curiam: By petition for rehearing the appellees express their apprehension that, under the terms of an Act of the 1957 Texas Legislature approved by the Governor on the 23rd day of May, 1957, and to become effective on to wit August 23, 1957, their obedience to the order of the district court to be issued upon remand, pursuant to the directions of this court, may result in the loss to the School District of some six million dollars (\$6,000,000.00) a year of aid from the State of Texas and in the imposition by the State of penalties upon the persons carrying out such order. That Act, of course, cannot operate to relieve the members of this Court of their sworn duty to support the Constitution of the United States, the same duty which rests upon the members of the several State Legislatures and all executive and judicial officers of the several states. We cannot assume that that solemn sworn duty will be breached by any officer, State or Federal. If, however, it should be, then the Board of Trustees of the School District and the persons carrying out the order to be issued by the district court, are not without their legal remedies. The petition for rehearing is denied.

This order filed at Dallas, Texas, by Clerk, U. S. District Court for the Northern District of Texas, September 9, 1957.

- P* -

FEDERAL BUREAU OF INVESTIGATION

Reporting Office Dallas	Office of Origin DALLAS	Date 11/7/57	Investigative Period 8/14;9/5;11/6/57
TITLE OF CASE UNKNOWN SUBJECTS; THURGOOD MARSHALL - COMPLAINANT		Report made by [REDACTED]	Typed By: [REDACTED]
		CHARACTER OF CASE CIVIL RIGHTS <i>b7c</i>	

Synopsis:

On 7/23/57 US S. Court of Appeals, Fifth Circuit, reversed USDC, NDT, and remanded cause to lower court with directions judgment be entered requiring integration in Dallas Independent School District. On 9/9/57 USDC, NDT, ordered integration to begin with mid-winter school term, 1957-58. Defendants (school board) have filed application for leave to file petition for writ of mandamus, hearing scheduled for 11/22/57.

- P -

DETAILS:

At Dallas, Texas:

The following investigation was conducted by
SA **[REDACTED]**

On November 6, 1957, the records of the Clerk, U. S. District Court for the Northern District of Texas at Dallas, Texas, were checked and reflected the following with respect to BELL vs. RIPPY, Civil 6165:

Approved <i>[Signature]</i>	Do not write in spaces below		
Copies made: ② - Bureau (44-10894) 1 - USA, Fort Worth 2 - Dallas (44-739)	44-10894-35 18 RECORDED - 83 EX - 107		

ICC: AAG CRIMINAL DIVISION
FORM 6-94 *15-57*

318
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BEC.D - FBI

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b7c

150

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (44-10894)

DATE: 11/7/57

FROM : SA [REDACTED], DALLAS (44-739)

SUBJECT: UNKNOWN SUBJECTS;
THURGOOD MARSHALL - COMPLAINANT
CIVIL RIGHTS.

OO - Dallas

Enclosed are two copies of the report of SA [REDACTED]
[REDACTED] Dallas, 11/7/57.

ADMINISTRATIVE

This file will remain in pending inactive status in order that records of the U. S. District Court may be checked to determine the action of the U. S. Court of Appeals in connection with a hearing scheduled for November 22, 1957.

REFERENCES

Report of SA [REDACTED] Dallas, 6/27/57.
Dallas letter to Bureau, 8/16/57.

- ② - Bureau (encls-2)
- 2 - Dallas

DECLASSIFIED BY [REDACTED]
ON 8-3-95
#209,714

RECORDED - 83

EX - 137

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FBI - DALLAS

65 NOV 19 1957

**FEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET**

2 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

☒ Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552

Section 552a

□ (b)(1)

□ (b)(7)(A)

□ (d)(5)

□ (b)(2)

☐ (b)(7)(B)

□ (jX2)

□ (b)(3)

☒ (b)(7)(C)

□ (k)(1)

☐ (b)(7)(D)

☐ (k)(2)

☐ (b)(7)(E)

□ (k)(3)

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(b)(8)

□ (k)(5)

☐ (b)(5)

☐ (b)(9)

□ (k)(6)

□ (b)(6)

□ (k)(7)

☒ Information pertained only to a third party with no reference to the subject of your request.

☐ Information pertained only to a third party. The subject of your request is listed in the title only.

☐ Documents originated with another Government agency(ies). These documents were referred to that agency(ies) for review and direct response to you.

Pages contain information furnished by another Government agency(ies). You will be advised by the FBI as to the releasability of this information following our consultation with the other agency(ies).

Page(s) withheld inasmuch as a final release determination has not been made. You will be advised as to the disposition at a later date.

Pages were not considered for release as they are duplicative of _____

☐ **For your information:** _____

☒ The following number is to be used for reference regarding these pages:

number is to be used for reference regarding these pages:
44-HQ-10894-36, enclosure

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XNO DUPLICATION FEE X
X FOR THIS PAGE X
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FBI/DOJ

152

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (44-10894)

DATE: 1/31/58

FROM : [REDACTED] DALLAS (44-739)

SUBJECT: UNKNOWN SUBJECTS;
THURGOOD MARSHALL - COMPLAINANT
CIVIL RIGHTS

(Dallas - 00)

Re report of SA [REDACTED] 11/7/57, at Dallas.

It should be noted that the Dallas Office has been reporting the status of the integration suit concerning the Dallas, Texas, public schools in this case.

UACB, in the future the Dallas Office will report the activities in this law suit in the case entitled "Racial Situation, Dallas, Texas", Bufile 62-101087-46.

This case is being placed in a closed status.

② - Bureau (RM)
1 - Dallas
[REDACTED]

(3)

EX-135

REC-2

44-10894-37

FEB 11 1958

Att to DL
2-10-58

FEB 11 1958

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MAILED
FEB 11 1958

153

SAC, Dallas (44-739)

February 10,

REC-9

Director, FBI (44-10894) -37

EX-135

INTEGRATION IN PUBLIC SCHOOLS
IN DALLAS, TEXAS
CIVIL RIGHTS

b7c

Reurlet 1/31/58 captioned, "Unknown Subjects;
Thurgood Marshall - Complainant, Civil Rights."

Your file 44-739 entitled as per reference,
should be reopened and hereafter carried under the
caption as this communication.

You are instructed to follow all developments
concerning integration in Dallas public schools. All
news articles should be forwarded by FD-4, Attention:
Investigative Division. All court actions should be closely
followed and copies of all actions obtained and promptly
transmitted to the Bureau.

All purely racial matters should continue
to be reported under the "Racial Situation, Dallas,
Texas," caption. However, information concerning the
activities of the Citizens Councils and the Ku Klux Klan
appearing in the press and received through informants
aimed at preventing integration in public schools in Dallas
should also be reported under "Integration in Public Schools
in Dallas, Texas, Civil Rights."

You should continue to forward all news articles
pertaining to integration in Texas generally under the
caption, "Segregation in Public Schools, State of Texas,
Civil Rights," Bureau file 82-101087-46. The news articles
can also be forwarded to Bureau by FD-4, which will
facilitate handling at the Bureau.

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154

Office Memorandum • UNITED STATES GOVERNMENT

TO: DIRECTOR, FBI (62-101087-46)

DATE: 1/21/58

FROM: SAC, DALLAS (100-4126)

SUBJECT: RACIAL SITUATION
DALLAS, TEXAS

ReBulet, 1/2/58.

TH. MARSHALL

Enclosed for the Bureau are copies of the pertinent court decisions concerning the Dallas schools, which might have a bearing on possible contempt of court violations.

The above mentioned copies were furnished by [redacted] Deputy Clerk, United States District Court, NDT, on 1/14/58.

Also enclosed for the Bureau are seven copies of [redacted] memorandum suitable for dissemination, concerning [redacted] of the NAACP, Dallas, Texas, [redacted] branch, and [redacted] who was reportedly a member of the Communist Party. It should be noted that the [redacted] profile on [redacted] This letterhead memorandum also contains information concerning [redacted] of the NAACP, Dallas, Texas, branch, and her association with [redacted] and [redacted]

It should be noted that both [redacted] in the Security Index of the Dallas Office, and [redacted] is carried as a Key Figure of the Dallas Office. Informants have advised that neither of the [redacted] are currently active in the Communist Party at this time, however.

In view of the fact that the information concerning possible violence on the part of the KKK and the Citizens Councils was furnished to the Bureau in form suitable for dissemination, the Dallas Office will not set this information forth at this

- 2 - Bureau (Encls. 8)
- 1 - Dallas

ENCLOSURE

ENCLOSURE

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DL 100-4126

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time. It should be noted that the report of SA [redacted] 12/17/57, at Dallas, captioned U. S. ALANS, Knights of the Ku Klux Klan, Inc. (Texas), was disseminated to local intelligence agencies of the armed forces. However, the letterhead memorandum dated 12/19/57, captioned Citizens Councils, Dallas Division, was not disseminated to the local intelligence agencies.

The Bureau is requested to advise if it desires that copies of this letterhead memorandum be so disseminated, and if such future memoranda concerning the Citizens Councils should be disseminated to the local intelligence agencies.

INFORMANTS

Identity
of
Source

Date of Activity
and Description
of Information

File Number
Where
Located

b2)
b7C

[redacted] instant letter
The enclosed letterhead memorandum is stamped confidential inasmuch as it contains information the unauthorized disclosure of which could be prejudicial to the defense interests of the country.

Careful consideration has been given each source concealed in the enclosed memorandum, and "T" symbols utilized only in those instances where the identities of the sources must be concealed.

It should be noted the Dallas Office furnished the best characterization of [redacted] which was available to the Dallas Office; however, a review of Bufile [redacted] may reflect a more up-to-date characterization of [redacted].

In view of the fact that [redacted] is no longer made to establish the relationship between [redacted] of the NAACP, no attempts were [redacted] except through established sources.

b7C



FOR FURTHER INFORMATION

WRITE TO THE

EDUCATIONAL FUND OF THE
CITIZENS' COUNCILS
GREENWOOD, Miss.

—
READ AND PASS ON





WE NEED YOUR HELP

We hope you can make a contribution to the Educational Fund which will be used to

- (1) Publish and distribute nationwide factual literature presenting the case for states' rights and racial integrity.
- (2) Initiate a movement to enter the national propaganda media such as the national press services, television, radio, national publications and the motion picture industry.

Our auditors believe contributions will be deductible from your income tax. Every effort will be made to get this tax-free status, and we believe these efforts will be successful.

FEDERAL BUREAU OF INVESTIGATION


Reporting Office NEW YORK	Office of Origin BUREAU	Date 9/17/61	Investigation Period 9/14-17/61 <i>b7C</i>
TITLE OF CASE THURGOOD MARSHALL		Report made by 	Typed By 
CC TO: <i>Photo</i> REC'D 4-2 APR 18 1963		DEPARTMENTAL APPLICANT, U.S. CIRCUIT JUDGE, SECOND CIRCUIT	

REFERENCE


NY report of SA  dated 9/14/61.

- P -

ADMINISTRATIVE

Every effort has been made throughout this investigation to contact individuals who not only know applicant well but who are not members of his same interest groups. Great difficulty has been encountered in ascertaining the identity of such persons, but  (see lead below) is reportedly one of these individuals and it is therefore felt desirable to continue attempts to reach him. *b7C*

The remainder of the file review in this case has been done jointly by SAS  and 

Approved 	Special Agent in Charge	Do not write in spaces below		
Copies made: 3 - Bureau 1 - New York (77-26395)	<i>1 letter cc to White House 7-10-65</i>	77	227-111	REC-3
one cc Deputy A.G.		NOT RECORDED 17 FEB 27 1962		

SEP 19 1961

8-29-62

NY 77-26395

NY letter 6/6/58 captioned "THURGOOD MARSHALL, EXECUTIVE OFFICER AND DIRECTOR - COUNSEL, NAACP LEGAL DEFENSE AND EDUCATION FUND INC." prepared in connection with Cominfil NAACP, IS-C, reflects on page 3 information from 1/3/48 issue of "People's Voice". This issue could not be located in NY files but the same information was reported in this report from the "Daily Worker".

NY files reflect a number of references to information given by [REDACTED] to the effect THURGOOD MARSHALL was a good friend of MAX YERGAN and is variously set out that MARSHALL was a CP member, may possibly have been a CP member or was a fellow traveler. [REDACTED] could furnish no evidence to support his various statements. NY file [REDACTED] on [REDACTED] reflects he was [REDACTED]

In 1954 during attempts by NYO to arrange an interview, he became indifferent, evasive, lied about jury duty to evade interview refused to be interviewed, showed resentment against being questioned re information previously furnished by him, and it was felt he would not make a competent witness.

No further attempt was made to contact him. Continued attempts by SA [REDACTED] on September 13, 14, and 15, 1961, and by SA [REDACTED] on September 16, 1961, to contact [REDACTED] at his home [REDACTED] were unsuccessful. He had not been seen for three or four days by the building superintendent and a check by SA [REDACTED] at his last known place of business, [REDACTED] developed he was not there.

In view of the variations in his information and lack of supporting evidence, his last known attitude, the inability to recontact him, and the lack of corroborating information, his information was not reported.

NY 77-26395

INFORMANTS

Identity of Source

File Number Where Located

[REDACTED] contacted
by SA [REDACTED]
[REDACTED] contacted
by SA [REDACTED]
[REDACTED] contacted
by SA [REDACTED]

Instant report

b2, b7D
C

Instant report

Instant report

Highly confidential source
mentioned in WFO report of SA
[REDACTED] captioned,
"NATIONAL LAWYER'S GUILD, IS-C"

Careful consideration has been given to the
sources concealed, and T symbols were utilized in the report
only in those instances where the identity of the source must
be concealed.

LEADS

NEW YORK

At New York, New York

1. Will continue search for Richmond report 5/12/41,
captioned "WORKERS DEFENSE LEAGUE, IS-R" in order to
review reference pointed out on page 2 of BUTel to NY
9/12/61, and in BUTel to NY, 9/13/61, this file having been on
special search since 9/14/61.

- C -
COVER PAGE

281

NY 77-26395

LEADS (CONTINUED)

2. Will also continue search for NY report 5/25/60 captioned "AFRICAN ACTIVITIES IN THE UNITED STATES, IS - AFRICA", pointed out on page 2 of BUTel to NY, 9/12/61, this file also being on special search.

3. Will continue attempts to contact [REDACTED] who reportedly knows applicant well. Repeated attempts by SA [REDACTED] to contact him on 9/13, 14, and 15/61, were unsuccessful. b7C b2, b7D

4. Will contact [REDACTED] who is not available until 9/18/61.

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to:

b7c

Report of:
Date:

9/17/61

Office:

NEW YORK

Field Office File No.:

NY 77-26395

Bureau File No.:

Title:

THURGOOD MARSHALL

Character:

DEPARTMENTAL APPLICANT -
U.S. CIRCUIT JUDGE, SECOND
CIRCUIT

Synopsis:

MAE YERGAN, reportedly former CP member and Executive Director of Council on African Affairs, knew of no connection between MARSHALL and CP, monetarily or ideologically. Applicant registered ALP in 1939, submitted report to NIG in 1942, spoke at 1947 PCA rally and at 1954 celebration of Distributive, Processing and Office Workers. Information re these organizations set out. Two confidential informants cognizant in some measure of CP activities in connection with NAACP feel applicant not Communist.

- P -

77-88227-111

1182

NY 77-26395

DETAILS:

Miscellaneous

It is noted that in another report in this matter, [REDACTED] advised THURGOOD MARSHALL, as an Officer of the National Association For The Advancement of Colored People (NAACP), was involved in the [REDACTED]

[REDACTED] NAACP and would have been in contact with MAX YERGAN, then Head of the Council on African Affairs, a CP-controlled front. b2i b7D b7C

MAX YERGAN, Pinesbridge Road, Ossining, New York, interviewed on September 15, 1961, by SA [REDACTED] at the Hotel Commodore, 42nd Street and Lexington Avenue, New York, New York, advised he had been affiliated with the Council on African Affairs from 1937 to 1948.

YERGAN added he has known THURGOOD MARSHALL for ten or fifteen years, has had some social contact with him, and they are members of the same fraternity, Alpha Phi Alpha. They have never visited each others home and YERGAN said he is not acquainted with MARSHALL's family. Further, he considers MARSHALL to be a man of good character and morals who has a favorable reputation among his contemporaries. According to YERGAN, MARSHALL is a capable lawyer who has appropriate judicial temperament necessary for a position on the Federal bench. Mr. YERGAN continued that he followed closely the applicant's handling of the case which resulted in the Supreme Court decision on desegregation and he believes MARSHALL to be legally competent for a judicial position. YERGAN added that he has evaluated MARSHALL as one of the top ten leaders of his race and he has never had reason to question the applicant's character, reputation, patriotism or habits.

YERGAN continued that he is not of the same political persuasion as is MARSHALL but he feels the applicant has shown a great deal of integrity, has a good sense of public duty and has the requisite experience and impartiality for a position on the Federal bench. In YERGAN's opinion the applicant is a loyal American, discreet in his choice of associates and he recommended him for the position for which he is being considered. 1183

NY 77-26395

YERGAN continued that he knows of no connection between THURGOOD MARSHALL and the Council on African Affairs during the time YERGAN belonged and to the best of his knowledge MARSHALL never had contact with the organization or its members. YERGAN also said he knew of no connection between THURGOOD MARSHALL and the CP, either monetarily or ideologically, and he could provide no further information on this point. YERGAN related that the CP Marshall Fund was named for an individual other than THURGOOD MARSHALL and this fund, to his knowledge, had no connection with THURGOOD MARSHALL. Mr. YERGAN related that he knows nothing about MARSHALL's membership in any organizations other than the NAACP. b7C

In [REDACTED] who at the time [REDACTED] of the [REDACTED] advised SA [REDACTED] that MAX YERGAN was a Party member. He stated that differences developed between him and the Party, and he, YERGAN, came out openly against the Party. [REDACTED]

The "Daily Worker" of April 22, 1947, described MAX YERGAN as Executive Director of the Council on African Affairs.

In an article in the "Daily Worker" of June 3, 1946, captioned "NEGRO CONGRESS ASKS UN PROBE JIM CROW," MAX YERGAN is described as president of the National Negro Congress.

Information concerning the "Daily Worker", the CP, the Council on African Affairs, the National Negro Congress and the National Lawyers' Guild (latter appearing below), appears in a previous report in this matter.

b7C

[REDACTED]
New York, on September 14, 1961, advised SA [REDACTED] that he is a member of a political party other than that of the applicant. He first met MARSHALL at a social function in 1946, has known him since that time, and has been his [REDACTED] since 1946. He has never associated with Mr. MARSHALL professionally, but has observed the applicant's conduct in the courtroom. They frequently attended the same social functions but [REDACTED] said he does not know the applicant's family, except that he has a wife and two children.

[REDACTED] continued that he knows MARSHALL's reputation to be excellent concerning honesty, integrity and moral character. He has never heard anyone refer to MARSHALL in an unfavorable way and he said he has no reason to think MARSHALL is other than a loyal citizen who has used good judgment in his choice of associates. [REDACTED] pointed out that all of the comments he has heard from both the applicant's friends and from the critics of MARSHALL's organization have been favorable to MARSHALL as a man and as a lawyer. He termed the applicant congenial, personable and of good habits. He also said MARSHALL's approach to a judgeship would be strictly from a legal and constitutional basis. The applicant would be fair minded and impartial, said [REDACTED] and his decisions would be based on his interpretation of the law rather than prejudice or personal feelings. In legal matters, MARSHALL would not be swayed by his personal convictions even if they were contrary to the law, and [REDACTED] added MARSHALL has a patient, even temperament. According to [REDACTED] the applicant would bring dignity and decorum to the bench and he is qualified for the Federal judiciary because of his past experience in federal practice and his knowledge of federal procedure. [REDACTED] recommended Mr. MARSHALL as a United States Circuit Judge. b7C

NY 77-26395

A "Report on the National Lawyers Guild, Legal Bulwark of the Communist Party" dated September 17, 1950, prepared and released by the Committee on Un-American Activities, United States House of Representatives, Washington, D.C., 81st Congress, Second Session, Page 18, under a list captioned "Officers of the National Lawyers Guild (as of December, 1949)" listed THURGOOD MARSHALL as an Executive board member, New York City. b7C

Records of the New York City Board of Elections, Borough of Manhattan, as reviewed on September 13 and 15, 1961, by IC [REDACTED] reflected that when registering and indicating a preference between his first vote in 1939 and 1960, THURGOOD MARSHALL registered a preference for one of the two major political parties except in 1939 when he registered a preference for the American Labor Party (ALP). When registering and indicating a preference between her first vote in 1952 and 1960, CECILIA MARSHALL nee SUYAT registered a preference for one of the two major political parties. When registering and indicating a preference between the years 1938 and 1954, VIVIAN (also spelled VIVIEN) MARSHALL registered a preference for one of the two major political parties. When registering and indicating a preference between 1933 and 1960, MEDIA DODSON registered a preference for one of the two major political parties. No record was located for NORMA MARSHALL.

Information concerning the ALP appears below in the Appendix to this report. b2;
b7D

[REDACTED] another confidential informant who has knowledge of certain phases of Communist activity in the New York area and who is also cognizant in some measure of activities of the CP in connection with the NAACP, advised in September, 1961, that he has no knowledge of any connection between THURGOOD MARSHALL and the CP and has never heard any CP leaders speak favorably of him or as if MARSHALL might be favorably inclined to the CP. In the opinion of [REDACTED] 11/26

NY 77-26395

THURGOOD MARSHALL is anti-Communist. The informant could provide no further information. b2/b7D

[redacted] who is familiar with some phases of CP activities in the New York area and who is also cognizant in some measure of activities of the CP in connection with the NAACP, advised in September, 1961, that he has no pertinent information concerning THURGOOD MARSHALL.

[redacted] who also has knowledge of some phases of Communist activities in the New York area and who is cognizant in some measure of attempted Communist infiltration of the NAACP, advised in September, 1961, that he knows the applicant by reputation, has heard him speak, and has casually met him. The informant said he has no personal knowledge of THURGOOD MARSHALL but he would be shocked if MARSHALL was a Communist or was interested in Communism. To the best of the informant's knowledge, MARSHALL is legitimately interested in the welfare of his race, to which he has devoted his life's work. The informant could provide no further information.

[redacted] advised [redacted] that THURGOOD MARSHALL, NAACP, NYC, was a member of the New York Chapter of the National Lawyers' Guild for the 1947 - 1948 fiscal year of the Guild.

The "Daily Worker" of November 30, 1942, page 1, column 4, contains the following under the caption "Justice Department Called Lax on Lynchings":

"Vigorous prosecution by the Department of Justice of persons and state officials responsible for lynching and of state officials responsible for denial of the franchise to Negroes was demanded in a report adopted by the National Executive Board of the National Lawyers Guild meeting at the Hotel Roosevelt in New York City. The report was submitted by THURGOOD MARSHALL, Special Counsel to the National Association for the Advancement of Colored People and WILLIAM H. HASTIE, Dean of Howard University Law School."

NY 77-26395

The "Daily Worker" issue of December 15, 1947, page four, column two, reflects the following under the caption "Film Freedom Rally Tonight":

"A nation-wide drive to 'free the films from the Thomas Committee' and to dramatize the danger of a similar government censorship in other fields of arts and expression will be opened by a rally at Manhattan Center at 8:00 p.m. tonight (Monday) under auspices of the Arts, Sciences and Professions Council of the Progressive Citizens of America. The campaign will be directed from both New York and Hollywood. Speakers at the 'Free the Movies' rally will include...THURGOOD MARSHALL, Counsel for the National Association for the Advancement of Colored People..."

Information concerning the Progressive Citizens of America appears below in the Appendix to this report.

The "Daily Worker" of February 18, 1954, page seven, columns one and two, contains the following under the caption "Events Celebrating Negro History Week":

"THURGOOD MARSHALL, NAACP leader, will deliver the main address at the Negro History Week celebration of District 65, Distributive, Processing and Office Workers, at the union's headquarters, 13 Astor Place, Friday night."

Information concerning the Distributive, Processing and Office Workers of America (DPOWA) appears below in the Appendix to this report.

NY 77-26395
AMERICAN LABOR PARTY

APPENDIX

The "Guide to Subversive Organizations and Publications," revised and published as of January 2, 1957, prepared and released by the Committee on Un-American Activities, United States House of Representatives, Washington, D. C., contains the following concerning the American Labor Party:

- "1. 'For years, the Communists have put forth the greatest efforts to capture the entire American Labor Party throughout New York State. They succeeded in capturing the Manhattan and Brooklyn sections of the American Labor Party but outside of New York City they have been unable to win control.'
(Special Committee on Un-American Activities, House Report 1311 on the CIO Political Action Committee, March 29, 1944, p. 78.)
- "2. 'Communist dissimulation extends into the field of political parties forming political front organizations such as the * * * American Labor Party. The Communists are thus enabled to present their candidates for elective office under other than a straight Communist label.'
(Internal Security Subcommittee of the Senate Judiciary Committee, Handbook for Americans, S. Doc. 117, April 23, 1956, p. 91.)" b7C

On October 7, 1956, [REDACTED] American Labor Party, publicly announced the American Labor Party State Committee unanimously approved a resolution dissolving the organization and ordering the liquidation of its assets.

NY 77-26395

APPENDIX

DISTRIBUTIVE, PROCESSING AND OFFICE
WORKERS OF AMERICA (DPOWA)

member for [REDACTED] Communist Party (CP)

[REDACTED] advised in October, 1950, that the DPOWA was formed in October, 1950, as a result of the merging of the United Office and Professional Workers of America (UOPWA), the Food, Tobacco, Agricultural and Allied Workers of America (FTAAWA) and the Distributive Workers Union (DWU). The UOPWA and the FTAAWA had been expelled in 1949, from the Congress of Industrial Organizations (CIO) for following the CP line. The DWU seceded from the CIO. [REDACTED] had never known the DWU, the FTAAWA, or the UOPWA to deviate from the CP line, and that he knew the leaders of the resulting DPOWA to be Communists, and the union to be Communist dominated and controlled. b7c

NY 77-26395

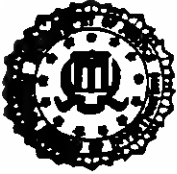
APPENDIX

PROGRESSIVE CITIZENS OF AMERICA

The Guide to Subversive Organizations and Publications, dated May 14, 1951, prepared and released by the Committee on Un-American Activities, United States House of Representatives, Washington, D.C. contains the following concerning the Progressive Citizens of America:

"1. Cited as a 'new and broader Communist front for the entire United States' formed in September 1946 at the direction of 'Communist steering committees' from the 'Communist-dominated National Citizens Political Action Committee' and the Independent Citizens Committee of the Arts, Sciences, and Professions.

"(California Committee on Un-American Activities, Reports, 1947, p.369, and 1948, p.354.)"



In Reply, Please Refer to
File No.

NY 77-26395

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
New York, New York
September 17, 1961

Title

THURGOOD MARSHALL

Character

DEPARTMENTAL APPLICANT
UNITED STATES CIRCUIT JUDGE,
SECOND CIRCUIT

Reference



Report of Special Agent
[REDACTED] dated and captioned as above.

b7c

All sources (except any listed below) used in referenced
communication have furnished reliable information in the past.

1192

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE WASHINGTON FIELD	OFFICE OF ORIGIN BUREAU	DATE 9/21/61	INVESTIGATIVE PERIOD 9/19 - 20/61
TITLE OF CASE THURGOOD MARSHALL This report completes the investigation		REPORT MADE BY 	TYPED BY 
		CHARACTER OF CASE DAPLI	

b7c


REFERENCE

Report of SA  dated 9/19/61,
at Wash., D. C.

- R U C -

*USDA
8-27-62*

State

REL REC'D	<i>4-2</i>
APR 18 1963	
ANS BY:	

b7c

APPROVED <i>[Signature]</i> COPIES MADE: (3 - Bureau 1 - Washington Field (77-72488) SEP 21 1961 <i>1 letter to White House 7-16-65</i>	SPECIAL AGENT IN CHARGE DO NOT WRITE IN SPACES BELOW <div style="border: 1px solid black; padding: 5px; margin: 5px;"> <i>77-72488-7-112</i> </div> <div style="border: 1px solid black; padding: 5px; margin: 5px;"> NOT RECORDED 25 FEB 1962 </div>												
DISSEMINATION RECORD OF ATTACHED REPORT <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>AGENCY</th> <th>REQUEST REC'D</th> <th>DATE FWD.</th> <th>HOW FWD.</th> </tr> <tr> <td><i>2551</i></td> <td><i>823</i></td> <td><i>1021</i></td> <td><i>1021</i></td> </tr> <tr> <td colspan="4" style="text-align: center;">FACSIMILE INQUIRY REC'D</td> </tr> </table>	AGENCY	REQUEST REC'D	DATE FWD.	HOW FWD.	<i>2551</i>	<i>823</i>	<i>1021</i>	<i>1021</i>	FACSIMILE INQUIRY REC'D				NOTATIONS <div style="text-align: right; margin-top: 20px;"> <i>9-25-62</i> <i>11-62</i> </div>
AGENCY	REQUEST REC'D	DATE FWD.	HOW FWD.										
<i>2551</i>	<i>823</i>	<i>1021</i>	<i>1021</i>										
FACSIMILE INQUIRY REC'D													

FEB 28 1962

U.S. GOVERNMENT PRINTING OFFICE 16-70824-1

COVER PAGE

**UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION**

Copy to:

b7C

Report of:

Date:

[REDACTED]
9/21/61

Office: Washington, D. C.

Field Office File No.: 77-72488

Bureau File No.:

Title:

THURGOOD MARSHALL

Character:

**DEPARTMENTAL APPLICANT
U.S. CIRCUIT COURT JUDGE
SECOND CIRCUIT**

Synopsis:

Files of the Security Office, State Department, disclosed applicant attended the Kenya Constitutional Conference held in 1960 at the request of certain African participants, and that he was designated by the President of the U.S. in 1961 to attend ceremonies celebrating the independence of Sierra Leone. These files contained no additional pertinent information. CIA files contained no derogatory information concerning the applicant.

- R U C -

DETAILS: AT WASHINGTON, D. C.

The files of the Security Office, Department of State, as made available for review on September 20, 1961, disclosed the applicant, at the request of certain African participants, attended the Kenya Constitutional Conference held in 1960 at London, in a private capacity, as a special advisor to the African Constituency Elected Members of the Kenya Legislative Council.

In April, 1961, the President of the U.S. designated Mr. MARSHALL, as his personal representative, with the rank of Special Ambassador, to attend the ceremonies incident to the Celebration of the independence of Sierra Leone, within the British Commonwealth, which were held at Freetown beginning April 24, 1961.

77-88227-142

1/194

WFO 77-72488

These files contained no additional pertinent information concerning the applicant. b7c

SA [REDACTED] caused a search to be made of the files of the Central Intelligence Agency, and was advised on September 20, 1961, that the files contained no derogatory information concerning the applicant.

XXXXXX
XXXXXX
XXXXXXFEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET

1 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

- ☐ Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552Section 552a☐ (b)(1)☐ (b)(7)(A)☐ (d)(5)☐ (b)(2)☐ (b)(7)(B)☐ (j)(2)☐ (b)(3)☐ (b)(7)(C)☐ (k)(1)☐ (b)(7)(D)☐ (k)(2)☐ (b)(7)(E)☐ (k)(3)☐ (b)(7)(F)☐ (k)(4)☐ (b)(4)☐ (b)(8)☐ (k)(5)☐ (b)(5)☐ (b)(9)☐ (k)(6)☐ (b)(6)☐ (k)(7)

- ☐ Information pertained only to a third party with no reference to the subject of your request.
- ☐ Information pertained only to a third party. The subject of your request is listed in the title only.
- ☒ Documents originated with another Government agency(ies). These documents were referred to that agency(ies) for review and direct response to you.

Pages contain information furnished by another Government agency(ies). You will be advised by the FBI as to the releasability of this information following our consultation with the other agency(ies).

Page(s) withheld inasmuch as a final release determination has not been made. You will be advised as to the disposition at a later date.

Pages were not considered for release as they are duplicative of _____

☐ For your information: _____

- ☒ The following number is to be used for reference regarding these pages:

77-88227-113

XXXXXX
XXXXXX
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 X DELETED PAGE(S) X
 X NO DUPLICATION FEE X
 X FOR THIS PAGE X
 XXXXXXXXXXXXXXXXXXXXXXXX

FBI/DOJ

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. DeLoach

DATE: 6-19-63

FROM : M. A. Jones

SUBJECT: THURGOOD MARSHALL
US CIRCUIT JUDGE
SECOND CIRCUIT

Tolson _____
Belmont _____
Mohr _____
Casper _____
Callahan _____
Conrad _____
DeLoach _____
Evans _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

In a memorandum dated 6-18-63 to Mr. Tolson it was mentioned that, connection with efforts being made by Mr. Malone to recruit qualified Negro applicant Mr. Malone advised that he has a luncheon appointment next week with two Negro judges. One was described as a Federal Court of Appeals Judge and the Director noted, "Who is he?" It was determined that the judge referred to is Thurgood Marshall, and Mr. Tolson requested that a file check be made.

BACKGROUND:

Judge Marshall was born in Baltimore, Maryland, July 2, 1908, and received an LL. B degree from Howard University in 1933. He has served with the National Association for the Advancement of Colored People (NAACP) since 1936 and Director-Counsel of the NAACP. In 1951 he visited Japan and Korea to investigate military trials involving Negro soldiers. He now resides in New York City.

INFORMATION IN BUFILES:

During the course of a Departmental applicant investigation in 1961 for position US Circuit Judge, it was reported that numerous associates, judges and fellow attorneys highly recommended Marshall. He was described as being fair and impartial and as having a masterful court demeanor. Chief Justice Warren, several Second Circuit Judges and Governor Almond of Virginia commented favorably concerning Marshall. Marshall was reported as having a leading part in the NAACP decision that Communist Party members and sympathizers had no place in that organization. Other attorneys and judges, however, stated that his knowledge of matters outside of the field of civil rights was limited. They pointed out that he had no previous judicial experience and some felt he was prejudiced, biased and did not have the temperament to act without prejudice.

In 1939, he registered with the American Labor Party and in 1944 was listed as a national committeeman of the International Juridical Association. In 1942 Marshall wrote a report adopted by 'National Executive Board of the Lawyers' Guild. In 1947, he was a speaker on a program sponsored by the Progressive Citizens of America. All of these organizations have been cited by the House Committee on Un-American Activities.

1 - Mr. Tolson

(6)

77-81-11-11
b7c

JUL 1 1963

33

M. A. Jones to DeLoach Memo
RE: Thurgood Marshall

On October 29, 1943, the "Daily Worker" contained a photograph of Marshall receiving a check from a Communist Party official for the purpose of fighting "Jim Crow." He was listed as a sponsor, in 1945, of a meeting of the National Negro Congress which had been designated pursuant to Executive Order 10450. In 1946, he was arrested in Tennessee for driving while intoxicated. He was immediately released after he was found not to be intoxicated. In 1946, he was listed as a reference by an applicant who was reported to be a member of the Communist Party. No association was indicated during the investigation. In 1947, he urged opposition to contempt citations in the case of the Hollywood writers. In 1948, in a meeting sponsored by the National Lawyers' Guild, Marshall opposed Executive Order 9835, the loyalty order, as an infringement on civil rights. In 1959, he was active in attempting to register Negro children in white schools in Louisiana.

During the years 1942 to 1947, Marshall made charges against the Bureau and the Department concerning civil rights cases. Walter White, deceased, former head of the NAACP, was advised of Marshall's allegations and Marshall refrained from further criticism. In February, 1956, Marshall appeared at the Bureau and was apprised of the Bureau's position on civil rights by Assistant to the Director L. B. Nichols. Marshall was very concerned about the Communist Party's efforts to infiltrate the NAACP. In January 1956, he telephoned Mr. Nichols from New York and requested Bureau guidance concerning an address he was going to give in New York to the NAACP concerning communist infiltration of Negro organizations. In May, 1959, he telephoned the Bureau and advised that he had been contacted by a reporter from "The New York Post" newspaper concerning a story about the FBI. He stated he was going to tell the reporter to "put up or shut up."

In June, 1963, it was reported that Marshall made the comment that if Ethel Rosenberg appeared in court at the present time, she would be granted a new trial. Marshall apparently said reference to the use of the Fifth Amendment before a Grand Jury by a defendant, when brought out in court, is prejudicial to that defendant.

Since 1961, Marshall has been criticized by Nation of Islam leaders, particularly Malcolm X, who is highly critical of Marshall's approach to the civil rights problem.

RECOMMENDATION:

None. For information.

*Rich
6/12/63*

*I have cautioned Malon
JAN 1/1/64*

1198

b7C

June 24, 1965

BY LIAISON

REC'D-READING ROOM

JUN 24 2 26 PM '65

Honorable Marvin Watson
Special Assistant to the President
The White House
Washington, D. C.

Dear Mr. Watson:

b7C

[redacted] has requested a check of FBI files regarding Thurgood Marshall, who was born on July 2, 1908, at Baltimore, Maryland.

The files of the FBI reveal that Judge Thurgood Marshall was the subject of an applicant-type investigation by the FBI in 1961 when he was being considered for appointment as a U. S. Circuit Court Judge.

Judge Marshall was highly recommended by a number of associates, judges and fellow attorneys for a position of trust and confidence with the U. S. Government. Other attorneys and judges, however, stated that his knowledge of matters outside the field of civil rights was very limited. They pointed out that he had no previous judicial experience and some felt that he was prejudiced, biased and did not have the temperament to act without prejudice.

In 1939 Judge Marshall registered with the American Labor Party and in 1944 was listed as a national committeeman of the International Juridical Association. In 1942 he wrote a report which was adopted by the National Executive Board of the National Lawyers Guild. In 1947 he was a speaker on a program sponsored by the Progressive Citizens of America. All of the above-mentioned organizations have been cited by the House Committee on Un-American Activities.

REC 35

77-88227-115

The October 29, 1942, issue of the "Daily Worker," a former east coast Communist Party newspaper, contained a photograph of Judge Marshall.

- Tolson
 - Belmont
 - Mohr
 - DeLoach
 - Cooper
 - Callahan
 - Conrad
 - Felt
 - Gale
 - Rosen
 - Sullivan
 - Tavel
 - Trotter
 - Tele. Room
 - Holmes
 - Gandy
- 1 - Mr. Belmont
 - 1 - Mr. DeLoach (sent direct)
 - 1 - Mr. Mohr
 - 1 - Mr. Gale
 - 1 - Mr. Rosen

NOTE: To be delivered by liaison by Mr. DeLoach's Office.

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[redacted]

Honorable Marvin Watson

receiving a check from a Communist Party official for the purpose of fighting "Jim Crow." In 1945 he was listed as a sponsor for a meeting of the National Negro Congress, which organization has been designated pursuant to Executive Order 10450.

In 1946, Judge Marshall was arrested in Tennessee for driving while intoxicated. He was immediately released after it was determined that he was not intoxicated. In 1946 he was listed as a reference by an applicant who was reported to be a member of the Communist Party. The extent of his association with that applicant was unknown.

In a meeting in 1948, sponsored by the National Lawyers Guild, Judge Marshall opposed Executive Order 9835, the loyalty order, as an infringement on civil rights.

In June, 1963, it was reported that Judge Marshall made the comment that if Ethel Rosenberg appeared in court at the present time she would be granted a new trial, based on the fact that questioning of a defendant concerning his pleading the Fifth Amendment is prejudicial to that defendant.

It has been reported that Judge Marshall played a leading part in the decision by the National Association for the Advancement of Colored People that Communist Party members and sympathizers had no place in that organization.

Civil fingerprint cards were located in the files of the FBI Identification Division. These were checked through the Criminal Section and no arrest data could be located identifiable with Judge Marshall.

Sincerely yours,

(77-88227)

THE WHITE HOUSE
Washington

MEMOandum

TO : Mr. Cartha D. DeLoach, FBI

DATE: June 17, 1965

FROM [REDACTED]

b7C

SUBJECT : FBI Investigation

Subject's Name THURGOOD MARSHALL

Date of Birth July 2, 1908 Place of Birth Baltimore, Maryland

Present Address _____

[REDACTED] has requested:

b7C

- ☐ Copy of Previous Report
- ☒ Name Check
- ☐ Full Field Investigation

The person named above is being considered for;

- ☐ White House staff position
- ☐ Presidential Appointment
- ☐ Position with another Agency

ATTACHMENTS:

- ☐ SF 86 (in duplicate)
- ☐ SF 87, Fingerprint Card
- ☐ Bibliography

REMARKS: See Page 1289 of [REDACTED] Who for further information.

20K [REDACTED] 111-115 8 [REDACTED] 1201

REPORT SHOULD BE DELIVERED BY FBI TO: MILDRED STEGALL

ENCLOSURE

Thurgood Marshall Named Solicitor General by Johnson

By GARNETT D. HORNER
Star Staff Writer

President Johnson announced today that he is nominating Judge Thurgood Marshall, a Negro now serving on the United States Court of Appeals for the second circuit, to succeed Archibald Cox as solicitor general.

The President also told a press conference he is naming Leonard H. Marks, a Washington lawyer who has specialized in television and radio matters, as director of the United States Information Agency.

Marks, a close personal friend

of the President, will succeed Carl Rowan, whose resignation was announced Saturday.

Johnson said Marshall would bring to the significant job of solicitor general "an outstanding record of legal and judicial experience."

The solicitor general is the third-ranking officer in the Justice Department and directs all government litigation before the Supreme Court and all other appellate courts.

Judge Marshall, 57, served for 22 years as counsel for the legal defense and educational fund of the National Association for

the Advancement of Colored People before being named to the appeals court by the late President Kennedy in 1962.

As NAACP counsel, Marshall successfully prosecuted the NAACP's case against school segregation before the Supreme Court. The case resulted in the high tribunal's 1954 ruling that segregation is unconstitutional.

In announcing Mark's appointment, Johnson praised his "long record as a teacher, lawyer and public servant" and noted that he had served on a number of U.S. delegations abroad dealing with communications matters.

A native of Pittsburgh, Pa., Marks, 49, had worked for the Federal Communications Commission and taught law earlier in his career.

In response to other questions in the domestic field, the President:

1. Said he would like to see the poll tax repealed whenever it could be done legally and hopes effective repeal language will be worked out in conference.

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The Washington Post and Times Herald _____
The Washington Daily News _____
The Evening Star FINAL _____
New York Herald Tribune _____
New York Journal-American _____
New York Daily News _____
New York Post _____
The New York Times _____
The Baltimore Sun _____
The Worker _____
The New Leader _____
The Wall Street Journal _____
The National Observer _____
People's World _____
Date _____

JUN 18 1965

1268

ENCLOSURE

apex between the House and Senate on the voting rights bill.

2. In response to Republican criticism that he has changed his stand on civil rights since he used to vote against civil rights bills in the Senate, he said he did not have the responsibility in years past that he has now and perhaps did not feel the problems of American Negroes as keenly as he does now.

He stressed that he is going to do all he can to solve those problems despite criticisms of mistakes that he might have made in the past.

Marshall was nominated for the Court of Appeals post by Kennedy on Sept. 23, 1961, just four days before Congress adjourned.

The nomination was resubmitted by Kennedy Jan. 18, 1962, but did not win final Senate approval until Sept. 11. Meantime Marshall served on the court under a recess appointment.

Sixteen Southern Democrats voted against confirmation in the Senate.

The opposition was led by Sens. Olin D. Johnston, D-S.C., James O. Eastland, D-Miss., and Strom Thurmond of South Carolina who has recently turned Republican.

They argued that Marshall lacked legal experience except in the civil rights field.

The circuit court on which Marshall has been serving covers New York, Connecticut and Vermont.

The President also announced selection of Mrs. Penelope Hartland Thunberg, now deputy chief of a research division of the Central Intelligence Agency, to be a member of the U.S. Tariff Commission.

Another announcement named Phillippe Talbot, assistant secretary of state for Near Eastern and South Asian affairs, to be U.S. Ambassador to Greece; Raymond A. Hare, now Ambassador to Turkey, will succeed him as assistant secretary of state.



THURGOOD MARSHALL

1263

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. DeLoach

DATE: 7-13-65

FROM : M. A. Jones ✓

SUBJECT: JUDGE THURGOOD MARSHALL

Tolson ✓
Belmont ✓
Mohr ✓
DeLoach ✓
Casper ✓
Callahan ✓
Conrad ✓
Felt ✓
Gale ✓
Rosen ✓
Sullivan ✓
Tavel ✓
Trotter ✓
Tele. Room ✓
Holmes ✓
Gandy ✓

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BACKGROUND:

Mr. Tolson has requested a memorandum dealing with captioned individual with respect to his appointment as Solicitor General.

BIOGRAPHICAL DATA:

Judge Marshall was born in Baltimore, Maryland, July 2, 1908, and received an LL.B. degree from Howard University in 1933. Judge Marshall has served with the National Association for the Advancement of Colored People (NAACP) since 1936 and was its Director-Counsel until he received his judgeship a few years

INFORMATION IN BUFILES:

He was the subject of a Departmental applicant investigation in 1961 for the position of U. S. Circuit Judge. Numerous associates, judges and fellow attorneys highly recommended Marshall. He reportedly had a leading part in the NAACP decision that CP members and sympathizers had no place in that organization. Other attorneys and judges, however, felt his knowledge of matters outside of the civil rights field was very limited. Some individuals pointed out he had no previous judicial experience and felt he was prejudiced, biased and would not have the temperament to act without prejudice.

In 1939, he registered with the American Labor Party and in 1944 was listed as a national committeeman of the International Juridical Association. In 1945, Marshall wrote a report adopted by "National Executive Board of the Lawyers' Guild." In 1947, he was a speaker on a program sponsored by the Progressive Citizens of America. All of these organizations have been cited by the House Committee on Un-American Activities.

ENCLOSURE
On October 29, 1943, the "Daily Worker" contained a photograph of Marshall receiving a check from a Communist Party official for the purpose of fighting "Jim Crow." He was listed as a sponsor, in 1945, of a meeting of the National Negro Congress which had been designated pursuant to Executive Order 10450. In 1946, he was arrested in Tennessee for driving while intoxicated. He was immediately released.

1 - Mr. DeLoach

(4)

CRIME
Continued

M. A. Jones to DeLoach memo
RE: JUDGE THURGOOD MARSHALL

after he was found not to be intoxicated. In 1946, he was listed as a reference by an applicant who was reported to be a member of the Communist Party. No association was indicated during the investigation. In 1947, he urged opposition to contempt citations in the case of the Hollywood writers. In 1948, in a meeting sponsored by the National Lawyers' Guild, Marshall opposed Executive Order 9835, the loyalty order as an infringement on civil rights. In 1959, he was active in attempting to register Negro children in white schools in Louisiana.

During the years 1942 to 1947, Marshall made charges against the Bureau and the Department concerning civil rights cases. Walter White, deceased, former head of the NAACP, was advised of Marshall's allegations and Marshall refrained from further criticism. In February, 1956, Marshall appeared at the Bureau and was apprised of the Bureau's position on civil rights by Assistant to the Director L. B. Nichols. Marshall was very concerned about the Communist Party's efforts to infiltrate the NAACP. In June, 1956, he telephoned Mr. Nichols from New York and requested Bureau guidance concerning an address he was going to give in New York on the NAACP concerning communist infiltration of Negro organizations. In May, 1957, he telephoned the Bureau and advised that he had been contacted by a reporter from "The New York Post" newspaper concerning a story about the FBI. He stated he was going to tell the reporter to "put up or shut up."

In June, 1963, it was reported that Marshall made the comment that if Ethel Rosenberg appeared in court at the present time, she would be granted a new trial. Marshall apparently ~~made~~ reference to the use of the Fifth Amendment before a Grand Jury by a defendant, when brought out in court, is prejudicial to that defendant.

Since 1961, Marshall has been criticized by Nation of Islam leaders, particularly Malcolm X, who was highly critical of Marshall's approach to the civil rights problem.

In May, 1965, Judge Marshall of the Second Circuit Court of Appeals in New York, contacted former Assistant to the Director Louis B. Nichols. Mr. Nichols and Judge Marshall have known each other on a personal basis for a number of years. The Judge asked Mr. Nichols if it was a fact that Agents of the FBI advise subjects of their constitutional rights in regard to whether or not they have to make a statement and the right to counsel. Mr. Nichols advised Judge Marshall that this was so, to which Judge Marshall commented, "That's what I thought." Judge Marshall apparently was deciding on certain cases but a discreet inquiry through [redacted] later revealed that the matters pending before Judge Marshall was not of concern to the FBI.

RECOMMENDATION:

For information.

5/10/65
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UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Gale

DATE: 7-19-65

FROM : W. V. Cleveland

SUBJECT: THURGOOD MARSHALL
SPECIAL INQUIRY

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On July 16, 1965, the White House advised that the President wanted the 1961 investigation of Thurgood Marshall brought up to date. The requested investigation has been completed. The President on July 13, 1965, announced that Judge Marshall was being nominated for the position of Solicitor General of the United States. The results of the 1961 investigation of Marshall have previously been furnished to the White House.

[redacted] United States Court of Appeals, Second Circuit, New York City, has been acquainted with Judge Marshall as a fellow judge since 1961. He spoke highly of Marshall's character and loyalty but stated Marshall was not as well trained as other members of the court and Marshall's background and experience have given him a somewhat narrower view in certain fields. [redacted] state Marshall tries to the maximum of his capacity to perform his duties. Senator Robert F. Kennedy stated he had no adverse comments to make regarding Marshall's appointment.

[redacted] made a speech [redacted] in which he questioned the integrity and patriotism of Marshall. [redacted] was interviewed and said he made this speech because Senator Jacob K. Javits of New York had made a statement during the judgeship hearings concerning former Governor Coleman of Mississippi that men do not change. Accordingly, [redacted] feels Judge Marshall's past activities should be highlighted. [redacted] had no personal knowledge concerning Marshall and could furnish no additional pertinent information.

In 1963 an informant reported that Marshall made the comment that if Ethel Rosenberg, convicted Soviet spy, appeared in court at the present time she would be granted a new trial. Marshall reportedly said references to the use of the Fifth Amendment before a grand jury by a defendant when brought out in court are prejudicial to that defendant.

Numerous other Federal and state judges, National Association for the Advancement of Colored People officials and acquaintances highly recommended Judge Marshall. Attached is a copy of a 7-13-65 memo briefly summarizing results of the 1961 investigation of Marshall and information concerning [redacted] files.

1 - Mr. DeLoach
1 - Mr. [redacted]
1 - Mr. [redacted]
1 - Mr. Cleveland
1 - Mr. [redacted] (6)

JUL 20 1965

CONTINUED - ON

Memorandum to Mr. Gale
Re: THURGOOD MARSHALL

Also attached is Jones to DeLoach memo 7-16-65 concerning Judge Marshall's criticism of the Bureau in connection with civil rights matters. The Director stated Judge Marshall's criticism of the FBI and our answers are to be included in memo we send to the Attorney General and Mr. Watson at the White House.

ACTION:

Attached for approval is a letter to the White House enclosing a memorandum summarizing the investigation concerning Marshall's activities since 1961. Also attached is a memorandum to the Attorney General enclosing a copy of the summary memorandum with a copy to the Deputy Attorney General. The letter to Watson and the memo to the Attorney General contain Judge Marshall's criticism of the FBI and our answers.

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UNITED STATES GOVERNMENT

Memorandum

TO : Mr. DeLoach

DATE: July 16, 1965

FROM : M. A. Jones

SUBJECT: JUDGE THURGOOD MARSHALL
SOLICITOR GENERAL

BACKGROUND:

Pursuant to Mr. Tolson's request, the following is a resume of information in Bureau files dealing with Judge Marshall's criticism of the Bureau in connection with civil rights matters several years ago.

INFORMATION IN BUREAU FILES:

During the 1940's, Marshall made several charges against the Bureau and the Department concerning civil rights cases. Most of these were in the form of letters to the Department of Justice from Marshall where either the Department or the FBI was the subject of Marshall's criticism.

By letter dated 1-30-42, Marshall criticized the Department for failure to prosecute in the [REDACTED] case. He stated the reason there was no evidence in the case ~~was~~ because of the type of investigation made by the FBI. One allegation made by Marshall was to the effect that [REDACTED] who allegedly killed a Negro in Tennessee, accompanied by FBI Agents in the course of their investigation of the case wherein [REDACTED] was the chief suspect. All Agents working on the case denied that [REDACTED] accompanied them on the investigation.

On September 24, 1947, Marshall directed a letter to the Bureau regarding the [REDACTED] case and also alleged that the FBI could not locate a certain witness that Marshall had no difficulty in finding. It was developed that while we were attempting to locate this individual, prior to finding him, the U. S. Attorney directed the FBI to hold its investigation in abeyance and, consequently, the attempt to locate the witness was discontinued.

On 12-27-46 Marshall wrote to the Attorney General stating that he, Marshall, agreed to bring to the Attorney General's personal attention matters which effect Negroes in connection with the Department of Justice. In this letter, Marshall stated that the FBI had done a good job of peonage in the South, but with this exception the record of the FBI in investigating cases involving Negroes had been notably one-sided. He also stated it would be the Attorney General's duty of making a complete

1 - Mr. Tolson

1 - Mr. DeLoach

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JUL 30 1965

(Continued next page...)

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Tu - [REDACTED]

NY - [REDACTED]

REC-113

JUL 29 1965

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b7C

M. A. Jones to DeLoach memo, 7-16-65
RE: Judge Thurgood Marshall, Solicitor General

investigation of the FBI to determine why it did not maintain a record as to crimes in which Negroes are victims comparable to its record as to other crimes. On 1-10-47 the Director in a memorandum to the Attorney General regarding these charges by Marshall, pointed out as an example a lynching case in Georgia wherein the FBI interviewed nearly 2,800 persons and a Federal Grand Jury in Athens, Georgia, took testimony from approximately 106 witnesses. Marshall made several other allegations in his 12-27-46 letter to the Attorney General wherein he impugned the integrity of other FBI investigations. These were also refuted by the Director in his memo of 1-10-47 to the Attorney General.

By letter dated 5-10-46, Marshall wrote the Director charging misconduct on the part of Special Agents of the Bureau in investigating cases involving Negroes and interviewing Negroes. The Director in his letter of 5-14-46 to Marshall assured him the Director would not tolerate any acts of misconduct on the part of FBI Agents and we would conduct an immediate administrative inquiry into the charges if Marshall would furnish the names of the persons making the complaints against FBI Agents. Marshall never answered the Director's letter of May 14th.

In connection with charges made against the Bureau by Marshall on 1-13-47 in another instance, the Director wrote to Walter White, Secretary of the NAACP (now deceased) and pointed out to White the repeated efforts on the part of Thurgood Marshall to embarrass the FBI and to discredit its investigations, particularly in cases involving civil rights of Negroes. It was also noted in this communication to White that Marshall and his associates in the legal branch of the NAACP had not rendered full cooperation and Marshall's attitude did not measure up to the standards of cooperation which had been set up by White.

On 1-24-47, White acknowledged the Director's letter and stated he discussed the matter with Marshall. Marshall claimed that the Attorney General had requested him to bring to his attention any matters which affect Negroes in connection with the Department of Justice and it was because of this that Marshall communicated with the Bureau and the Department with respect to the allegations outlined above.

It is noted that criticism from Marshall directed to the FBI and the Department for the most part ceased after the Director's letter to Walter White.

In February, 1956, Marshall appeared at the Bureau and was apprised of the Bureau's position on civil rights by former Assistant to the Director L. B. Nichols. At this time, Marshall expressed considerable concern over the Communist Party's efforts to infiltrate the NAACP. It was recommended and approved that Nichols furnish Marshall with public source material regarding the efforts by the communists to infiltrate the Negro movement and in particular the NAACP. Marshall contacted Mr.

M. A. Jones to DeLoach Memo, 7-16-65
RE: Judge Thurgood Marshall, Solicitor General

Nichols on other occasions subsequent to that time regarding guidance in dealing with possible communist infiltration of Negro organizations.

RECOMMENDATION:

For information.

✓
JRS
TS
Be certain that portions
being sent Marshall
are of FBI & are
included in
memo we send to
& Watson.

July 19, 1965

THURGOOD MARSHALL

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/28/95 BY SP-12
7369183

This memorandum summarizes the results of investigation concerning Judge Marshall's activities since 1961. b7C

Employment

On October 5, 1961, Judge Marshall received a reappointment to the position of Judge, United States Court of Appeals, Second Circuit, New York, New York. He was nominated for this position on January 15, 1962, and his nomination was confirmed by the United States Senate on September 11, 1962. He is presently serving in this position. b7C

Residence

Judge Marshall and his wife, Cecelia Suyat Marshall, reside at 501 West 123rd Street, New York, New York, with their two minor children and Judge Marshall's aunt, Mrs. Media Dodson.

Interviews

[REDACTED] United States Court of Appeals, Second Circuit, New York, New York, was interviewed at New Haven, Connecticut, and advised he has been acquainted with Judge Marshall professionally since the Fall of 1961. He said he has found Judge Marshall to be respectable, reliable, responsible, trustworthy, modest, sincere and a devoted family man who possesses a good sense of humor. He said Judge Marshall possesses a bright, quick mind and is well liked by his fellow judges. He regards Judge Marshall as a person of excellent character, morals and reputation. He has never had reason to question Judge Marshall's loyalty to the United States. He said Judge Marshall's associates who are known to him are responsible individuals and Judge Marshall has used good judgment in his choice of associates.

[REDACTED] stated that because of the interest of Judge Marshall in civil rights and the trips he has taken on behalf of the United States Government, he has not devoted as

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Return to [REDACTED] 1250. b7C

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Thurgood Marshall

such time to the business of the United States Court of Appeals as have other judges. He said Judge Marshall is not as well trained as a judge as other members of the Court and is less useful because of this. He said Judge Marshall's previous background and experience have given him a somewhat narrower view than other judges of the Court. He said Judge Marshall has strong views on civil rights and is not as balanced and impartial in this field and is a less able judge than other judges of the Court. b7C

[REDACTED] United States Court of Appeals, Second Circuit, New York, New York, advised he has known Judge Marshall since 1961. He stated Judge Marshall tries to the maximum of his capacity to perform his duties as an appellate judge. [REDACTED] stated that basically Judge Marshall is a good advocate and added that he has had much experience arguing cases before the United States Supreme Court and has the necessary experience for the position of Solicitor General of the United States. He stated that Judge Marshall's judicial temperament as an appellate judge could only be ascertained by reviewing his opinions. He stated there is no question as to Judge Marshall's loyalty to the United States. b7C

[REDACTED] United States Court of Appeals, Second Circuit, New York, New York, stated he has known Judge Marshall since 1961 and believes that Judge Marshall is a good judge. He stated he knows of no one who has any finer character than Judge Marshall. He described him as a man of unquestionable integrity. He said Judge Marshall is vigorous and anticommunist as shown by his efforts to keep the National Association for the Advancement of Colored People from being infiltrated when he was with this organization. He stated Judge Marshall is a good man for the position for which he is being considered. b7C

[REDACTED] United States District Court, Southern District of New York, New York, New York, advised that he first met Judge Marshall in 1961 and that he has become an excellent judge with great understanding and is one of the most cooperative persons he knows. He stated Judge Marshall has an excellent judicial temperament. He has no reason whatsoever to question his loyalty to the United States. He recommended Judge Marshall for appointment to the position of Solicitor General of the United States. b7C

Thurgood Marshall

[REDACTED] b7C
Southern District of New York, New York, New York, stated he has known Judge Marshall for six or seven years and Judge Marshall has been a fine judge since his appointment to the bench. He stated Judge Marshall is extremely well qualified for the position of Solicitor General of the United States. He stated Judge Marshall has an excellent judicial temperament and is excellent in the handling of criminal matters. [REDACTED] recommended Judge Marshall for the position of Solicitor General of the United States.

Robert F. Kennedy, United States Senator from New York advised in Washington, D. C., that he has known Judge Marshall only by reputation for a number of years and has had no personal or social contact with him. He said he has heard more of Judge Marshall's reputation since he has served as a judge in New York. Senator Kennedy stated he understands that Judge Marshall has done a good job. He said he knows nothing adverse concerning Judge Marshall's character, associates, reputation or loyalty. He said he has no adverse comments to make regarding Judge Marshall's appointment to the position of Solicitor General of the United States. b7C

[REDACTED] United States District Court, Southern District of New York, New York, New York, advised he first met Judge Marshall about 1961 when Judge Marshall was appointed to the United States Court of Appeals, Second Circuit. [REDACTED] stated that Judge Marshall has reviewed cases that had been previously adjudicated by him in the District Court and he considers Judge Marshall's knowledge of the law to be excellent. He said Judge Marshall's decisions are fair. He said his only social contacts with Judge Marshall have been at judicial conferences. On one occasion at a dinner in New York City he met Mrs. Marshall who impressed him as being a very charming lady and one of the finest ladies he has met. [REDACTED] stated he considers Judge Marshall to be honest, trustworthy and a loyal American citizen. He recommended Judge Marshall for the position of Solicitor General of the United States. b7C

Arthur B. Spingarn, President of the National Association for the Advancement of Colored People, New York, New York, stated he has a high opinion of Judge Marshall and has had close association with him and his family since 1961. He said that Judge Marshall

Thurgood Marshall

has added to his stature since becoming a judge and has maintained an excellent reputation as a competent and fair individual with an excellent knowledge of the law. He said Judge Marshall is strongly anticommunist and he and his family are entirely loyal to the United States. He recommended Judge Marshall highly for a responsible position in the Government.

[REDACTED] b7C
National Association for the Advancement of Colored People, New York, New York, advised he has had frequent professional and social contact with Judge Marshall since 1961. He said Judge Marshall is an outstanding American and a person of the highest personal and professional character. He said he recommended him highly for a responsible position in the Government.

[REDACTED] New York, New York, advised that [REDACTED] b7C
and sees Judge Marshall professionally two or three times a year as well as occasionally on a social basis. He stated he has the highest regard for Judge Marshall's integrity and feels he is a person of excellent character, reputation and associates. He said Judge Marshall's loyalty to the United States is above reproach. He stated it is his opinion that Judge Marshall is in excellent physical condition. He said Judge Marshall has great ability and will continue to do an excellent job for the United States Government in any capacity.

[REDACTED] advised in Washington, D. C., he made a speech [REDACTED] b7C
in which he questioned the integrity and patriotism of Judge Marshall. He said that one of the reasons he made this speech was because when former Governor James P. Coleman of Mississippi was being considered for confirmation by the United States Senate for a Federal judgeship he was asked if his views on racial matters had changed. He said former Governor Coleman made a statement to the effect that his views had changed. [REDACTED] stated he was of the impression that Senator Jacob K. Javits of New York indicated at a hearing that this statement of former Governor Coleman's did not ring true and made a further statement to the effect that men do not change. [REDACTED] stated that, accordingly, he feels that Judge Marshall's past activities in such organizations as the National Lawyers Guild should

Thurgood Marshall

b7C

be highlighted and he should be required to explain his present feelings. [redacted] stated he has no personal knowledge concerning Judge Marshall, his associates, background or activities. He stated all information in his possession, which concerned Judge Marshall's activities prior to 1961, was obtained by him from the records of the House Committee on Un-American Activities.

Interviews were conducted with the following judges who have associated with Judge Marshall since 1961, and they stated he is exceedingly well qualified for a position of trust and responsibility in the United States Government. They described him as a person of the highest character and they said there is no doubt as to his loyalty to the United States.

[redacted] United States Court of Appeals, Second Circuit, New York, New York, who was interviewed in Mystic, Connecticut

Thomas W. Swan, Senior Judge, United States Court of Appeals, Second Circuit, New York, New York, who was interviewed in Guilford, Connecticut

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[redacted] United States Court of Appeals, Second Circuit, New York, New York, who was interviewed at Westhampton, Long Island, New York

[redacted] United States Court of Appeals, Second Circuit, New York, New York

b7C

[redacted] Southern District of New York, New York, New York

[redacted] Southern District of New York, New York, New York

Fourteen additional persons, consisting of New York state judges, attorneys, officials of the National Association for the Advancement of Colored People and acquaintances who have associated with Judge Marshall since 1961, were interviewed. They stated his personal integrity, honesty, ability and his reputation as a person, lawyer and judge are outstanding. They

1215

Thurgood Marshall

stated Judge Marshall is a person with the highest personal ideals and standards and his moral character and loyalty to his country are above reproach. They stated Judge Marshall is eminently qualified as an attorney and judge and has shown he possesses a judicial temperament in his present position. Those persons acquainted with his family described them as persons of the highest character and reputation whose loyalty is unquestioned. Judge Marshall was recommended by these persons for a position of trust and confidence.

Close Relatives

Judge Marshall's only living close relative other than his immediate family is his brother, Dr. William Aubrey Marshall, who resides in Wilmington, Delaware.

Credit and Arrest Checks

Information has been received from the appropriate credit reporting and law enforcement agencies indicating that their files contain either no record or no additional pertinent information regarding Judge Marshall and his close relatives.

Bar Affiliations

Judge Marshall who was admitted to practice before the Bar of the State of Maryland on October 11, 1933, continues in good standing. He is also a member in good standing of the American Bar Association, the National Bar Association, the Association of the Bar of the City of New York and the New York County Lawyers Association. He is also a member in good standing of the Bar of the Supreme Court of the United States. No grievances have been filed against him.

The records of other appropriate bars and bar associations were checked and no information concerning Judge Marshall could be located.

Clearances

The records of the Office of Security, Department of State, disclose Judge Marshall was granted clearances on May 20, 1963, and October 16, 1963, for access to information classified up to confidential.

Thurgood Marshall

Passport Check

The records of the Passport Office, Department of State, disclose Judge Marshall was issued a passport on June 18, 1963, for a trip to Kenya, Tanganyika and Uganda. He was listed as a "State Department grantee" and the purpose of his trip was to discuss human rights and the law in the United States.

Agency Checks

Information has been received from the following governmental agencies indicating that their files contain either no record or no additional pertinent information concerning Judge Marshall:

Office of Security, Department of State;
Central Intelligence Agency; Committee on
the Judiciary, United States Senate; and Bureau
of Personnel Investigations, Civil Service
Commission.

The records of the House Committee on Un-American
Activities contain no additional pertinent information
concerning Judge Marshall since 1961.

Miscellaneous

An informant, who has furnished reliable information in the past, advised [redacted] that [redacted] b7C
[redacted] Committee to Secure Justice for Morton Sobell, stated he felt that Morton Sobell would have a better b7D
chance in court in view of a statement made by Judge Thurgood Marshall of the United States Court of Appeals. Judge Marshall, according to [redacted] indicated that if Ethel Rosenberg appeared before his court at the present time she would be granted a new trial. According to the informant, [redacted] b-
was referring to a court decision which declared that references to the use of the Fifth Amendment before a grand jury by a defendant, when brought out in court, are prejudicial to that defendant.

Thurgood Marshall

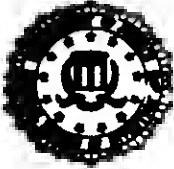
Morton Sobell, a codefendant of Ethel and Julius Rosenberg, was convicted on March 29, 1951, in the United States District Court, Southern District of New York, New York, New York, of conspiracy to commit espionage on the behalf of the Soviet Union and was sentenced on April 5, 1951, to thirty years' imprisonment. He is currently serving this sentence.

Julius and Ethel Rosenberg were convicted in the United States District Court, Southern District of New York, New York, New York, on March 29, 1951, of conspiracy to commit espionage on the behalf of the Soviet Union. The Rosenbergs were sentenced to death on April 5, 1951, and were executed in Sing Sing Prison, Ossining, New York, on June 19, 1953.

The Committee to Secure Justice for Morton Sobell was an outgrowth of the National Committee to Secure Justice in the Rosenberg case, which has been cited by the House Committee on Un-American Activities as a communist front.

Informants, who have furnished reliable information in the past and who are familiar with some phases of Communist Party activities in the New York City area, advised they had no personal knowledge of Judge Marshall.

The central files of the FBI, including the files of the Identification Division, contain no additional pertinent information concerning Judge Marshall since 1961.



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

In Reply, Please Refer to
File No.

July 19, 1965

THURGOOD MARSHALL

This memorandum summarizes the results of investigation concerning Judge Marshall's activities since 1961.

Employment

On October 5, 1961, Judge Marshall received a recess appointment to the position of Judge, United States Court of Appeals, Second Circuit, New York, New York. He was nominated for this position on January 15, 1962, and his nomination was confirmed by the United States Senate on September 11, 1962. He is presently serving in this position.

Residence

Judge Marshall and his wife, Cecelia Suyat Marshall, reside at 501 West 123rd Street, New York, New York, with their two minor children and Judge Marshall's aunt, Mrs. Media Dodson.

Interviews

[REDACTED] United States Court of Appeals, Second Circuit, New York, New York, was interviewed at New Haven, Connecticut, and advised he has been acquainted with Judge Marshall professionally since the Fall of 1961. He said he has found Judge Marshall to be respectable, reliable, responsible, trustworthy, modest, sincere and a devoted family man who possesses a good sense of humor. He said Judge Marshall possesses a bright, quick mind and is well liked by his fellow judges. He regards Judge Marshall as a person of excellent character, morals and reputation. He has never had reason to question Judge Marshall's loyalty to the United States. He said Judge Marshall's associates who are known to him are responsible individuals and Judge Marshall has used good judgment in his choice of associates. b7C

[REDACTED] stated that because of the interest of Judge Marshall in civil rights and the trips he has taken on behalf of the United States Government, he has not devoted as b7C

1279

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XXXXXXFEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET

7 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

- ☐ Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552

Section 552a

☐ (b)(1)☐ (b)(7)(A)☐ (d)(5)☐ (b)(2)☐ (b)(7)(B)☐ (j)(2)☐ (b)(3)☐ (b)(7)(C)☐ (k)(1)☐ (b)(7)(D)☐ (k)(2)☐ (b)(7)(E)☐ (k)(3)☐ (b)(7)(F)☐ (k)(4)☐ (b)(4)☐ (b)(8)☐ (k)(5)☐ (b)(5)☐ (b)(9)☐ (k)(6)☐ (b)(6)☐ (k)(7)

- ☐ Information pertained only to a third party with no reference to the subject of your request.
- ☐ Information pertained only to a third party. The subject of your request is listed in the title only.
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 Page(s) withheld inasmuch as a final release determination has not been made. You will be advised as to the disposition at a later date.

☒ Pages were not considered for release as they are duplicative of serial 119, pages 2-8.

☐ For your information: _____

- ☒ The following number is to be used for reference regarding these pages:

77-88227-119, pages 2-8.

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FBI/DOJ

1220

July 19, 1965

BY LIAISON

1 - Mr. Belmont
1 - Mr. DeLoach
1 - Mr. Gale
1 - Mr. Cleveland
1 - [REDACTED]

Honorable Marvin Watson
Special Assistant to the President
The White House
Washington, D. C.

Dear Mr. Watson:

Reference is made to the request made by your office on July 16, 1965, that the 1961 investigation of Judge Thurgood Marshall be brought up to date. The results of the 1961 investigation have previously been furnished to you. Transmitted herewith is a memorandum summarizing the results of the investigation concerning Judge Marshall's activities since 1961.

During the 1940s Judge Marshall, who was then Special Counsel for the National Association for the Advancement of Colored People, Legal Defense and Educational Fund, Incorporated, made several charges against this Bureau in connection with civil rights cases. One of these charges was that a police officer, who had allegedly killed a Negro in Tennessee, accompanied FBI Agents during their investigation. This allegation was denied by all Agents working on the case. In another charge it was alleged that the FBI could not locate a certain witness whom Judge Marshall had no difficulty in locating. The FBI discontinued attempts to locate this witness when a United States Attorney ordered the investigation held in abeyance.

On one occasion Judge Marshall alleged that the FBI's record in cases involving Negroes was notably one-sided and cited four cases claiming the FBI had been unable to solve them but National Association for the Advancement of Colored People investigators had produced either eyewitnesses or the names of the subjects. In these cases the facts were either presented to Federal Grand Juries which did not return indictments or the subject was tried and acquitted. In one of these cases nearly 2300 interviews were conducted and approximately 100 witnesses appeared before a Federal Grand Jury.

Tolson _____
Belmont _____
Mohr _____
DeLoach _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

NOTE: See memo Cleveland to Gale, 7/19/65.

67 SEP 10 1965

TELETYPE UNIT ☐

1250

Honorable Marvin Watson

On another occasion Judge Marshall charged misconduct on the part of Special Agents of the FBI in cases involving Negroes and during interviews with Negroes. Judge Marshall was requested to supply details of the alleged misconduct in order that immediate administrative inquiry could be made and he never answered the request.

[REDACTED] b3

A copy of the enclosed memorandum has been furnished to the Attorney General.

The current investigation of Judge Marshall covered inquiries as to his character, loyalty, general standing and ability, but no inquiries were made as to the sources of his income.

Sincerely yours,

Enclosure

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**FEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET**

1 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

☒ Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552

Section 552a

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□ (kX3)

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□ (kX4)

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☐ (b)(9)

□ (kX6)

☐ (b)(6)

☐ (kX7)

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Page(s) withheld inasmuch as a final release determination has not been made. You will be advised as to the disposition at a later date.

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☐ **For your information:** _____

☒ The following number is to be used for reference regarding these pages:

77-88227, document dated 7/14/65

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FBI/DOJ

SI/DOJ

UNITED STATES GOVERNMENT

Memorandum

TO : The Director

DATE:

7-16-65

FROM : N. P. Callahan

SUBJECT: The Congressional Record

Page 14412. Congressman Thompson, (D) New Jersey, spoke concerning a press report that Congressman Waggoner, (D) Louisiana, had questioned the integrity and patriotism of Judge Thurgood Marshall. Mr. Thompson stated "Among other things there is reference to previous associations of Judge Marshall. . . . It says, among other things: 'It is probable that a search of the files of the FBI, the Attorney General's office, the Senate Internal Security Subcommittee, and an exhaustive search of our own Committee on Un-American Activities would reveal more facts of the same nature.' He went on to state 'It is not the responsibility of anyone here to question, especially in the sanctity of this body, the patriotism and integrity of such a high judicial officer and of such a nominee.'"

Pages 14466-14467. Congressman Waggoner, (D) Louisiana, spoke concerning the nomination of Thurgood Marshall to be Solicitor General. He advised that since the nomination did not come before the House for approval or disapproval he was taking "this means as the only one available to me to get into the record for permanent reference, the information available to me of the Communist front associations of this man." After setting forth pertinent information, he stated "As I say, this is at least a portion of the Communist front activity of the man the President has nominated to be Solicitor General of the United States. It is probable that a search of the files of the FBI, the Attorney General's office, the Senate Internal Security Subcommittee and an exhaustive search of the records of our own Committee on Un-American Activities would reveal more facts of the same nature."

77-88227-

NOT RECORDED
47 AUG 5 1965

In the original of a memorandum captioned and dated as above, the Congressional Record for 7-16-65 was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

Original filed in: 66-1131-2743

☐ Name Searching Unit - Room 6527
☐ Service Unit - Room 6524
☐ Forward to File Review
☐ Attention [REDACTED]
☒ Return to [REDACTED]

Super [REDACTED] Ext [REDACTED]

Type of References Requested:

☐ Regular Request (Analytical Search)
☐ All References (Subversive & Nonsubversive)
☐ Subversive References Only
☐ Nonsubversive References Only
☐ Main [REDACTED] References Only

Type of Search Requested:

☐ Restricted to Locality of [REDACTED]
☐ Exact Name Only (On the Nose)
☐ Buildup ☐ Variations

Subject: Thurgood Marshall
 Birthdate & Place:
 Address:

Localities

Re Date 7/13 Searcher Initials [REDACTED]

Prod.

	FILE NUMBER	SERIAL
I	77-88227	004
I	62-86660	004
NP	44-10894	004
NP	44-1540	004
I	62-86660-3	Sum 10-11
	004 5	" 12-1
	" 13	" 2-1
	" 18	" 12-1
	" 20	" 5-2
	21	" 4-1
NP	77-88277-115	Sum 6-2
NP	62-55047-1143	
NP	101-2483-1507	
NP	100-387835-2948	
NP	100-423937-17	
NP	100-435817-78	EP 27-1
NP	157-6-64-175	
NP	157-6-56-194	

NUMEROUS REFERENCE

SEARCH SLIP

Subj: Chunggeei in wharfSupervisor: [REDACTED]Room: 2 FC

Re: _____

Date: 7/12Searcher
Initial: [REDACTED]

Prod. _____

FILE NUMBERSERIAL

IV	140-28317-8	
NR	135-330771-3304	56 57
NR	62-1-17	1-10-74
	Wash. Daily News	
	157-4-10-6	
IV	77-85227-58	
	BW	
	SI	
	4	
NR	163-10732-1	
NR	100-435915-36	
NR		37
	T. C.	67C
NR	157-6-2-850	851

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : Mr. J. Edgar Hoover
Director, FBI

DATE: JUL 13 1965

FROM : John T. Duffner
Exec. Asst. to the DAG

SUBJECT: Thurgood Marshall
U.S. Circuit Judge - Second Circuit
New York, N.Y.

In 1961 a full field investigation was made on the above and copies of the reports are maintained in our files.

Judge Marshall is now under consideration for appointment as Solicitor General of the United States and it is requested that this office be advised concerning any derogatory information which may have come to the Bureau's attention since the date of completion of the prior investigation.

Spouse: Cecelia Suyat Marshall
501 W. 123rd St.
New York, N.Y.

Soc. Sec. # 131-07-4264

*No Answer Received
per 7-14-65*

77-88227-123

681

NOT RECORDED

14 SEP 8 1965

DOMESTIC DIV

RECORDED-68 SEP 10 1965

SEP 10 1965

SENT BY CODED TELETYPE

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

JUL 16 1965

TELETYPE

Mr. Tolson	_____
Mr. Belmont	_____
Mr. Mohr	_____
Mr. DeLoach	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

FBI NEW YORK

237PM URGENT 7-16-65

TO DIRECTOR -5- AND BOSTON

FROM NEW YORK /77-26395/

THURGOOD MARSHALL., SPI.

RE NEW YORK TELEPHONE CALL TO BOSTON, TODAY.

BUREAU DESIRES SUMMARY TELETYPE SUITABLE FOR DISSEMINATION BY
NOON SUNDAY, JULY EIGHTEEN.

[REDACTED] WITH NAACP, PRESENTLY IN BOSTON, CAN BE
CONTACTED THROUGH [REDACTED]

ACQUAINTANCE, [REDACTED]

NYC PRESENTLY

AT [REDACTED]

SPIN.

END

WA... 0240PM DMG WASH DC

77-88227-121

NOT RECORDED

14 SEP 8 1965

26 8 11 21 AM '65

67 SEP 10 1965

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Gale

DATE: 7-15-65

FROM : W. V. Cleveland

SUBJECT: THURGOOD MARSHALL
DEPARTMENTAL APPLICANT
SOLICITOR GENERAL
DEPARTMENT OF JUSTICE

The Deputy Attorney General's Office has requested a name check of our files for any pertinent derogatory information received concerning Thurgood Marshall since the completion of a full field investigation of him in 1961. An up-to-date check was also requested.

The Department request, received July 14, 1965, stated Marshall, who has been U. S. Circuit Judge, Second Circuit, is under consideration for appointment as Solicitor General. It is noted press reports stated President Johnson announced on 7-13-65 that Marshall was being nominated for the above position on that date. Attached is a copy of a Jones to DeLoach memo 7-13-65 setting forth results of current name check concerning Marshall. On 6-24-65 the White House was furnished the results of a name check of the Bureau files concerning Thurgood Marshall.

Bureau files disclose that by memo 1-21-63 the Attorney General was advised of the comments reportedly made by Marshall that if Ethel Rosenberg appeared before the court at the present time, she would be granted a new trial. Marshall apparently said that a reference to the use of the Fifth Amendment before a Grand Jury by a defendant, when brought out in court, is prejudicial to that defendant. Bureau files contain no other pertinent information since 1961 investigation.

ACTION: The Deputy Attorney General's Office is being referred to the above-mentioned memo to the Attorney General 1-21-63 and is being advised Bureau files contain no additional pertinent derogatory information concerning Marshall since the completion of the investigation of him in 1961. The Deputy Attorney General is also being advised there is no arrest record for Marshall in the Identification Division records and is being furnished a copy of a current record check which is favorable.

Enc.

- 1 - Mr. Belmont
- 1 - Mr. DeLoach
- 1 - Mr. Gale
- 1 - Mr. Cleveland
- 1 - [redacted]

Mr. Tolson
Mr. DeLoach
Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Mr. Holmes
Miss Gandy

14 SEP 8 1965

Mr. DeLoach

7-13-68

b7c

M. A. Jones

JUDGE THURGOOD MARSHALL

BACKGROUND:

Mr. Tolson has requested a memorandum dealing with captioned individual with respect to his appointment as Solicitor General.

BIOGRAPHICAL DATA:

Judge Marshall was born in Baltimore, Maryland, July 2, 1908, and received an LL. B. degree from Howard University in 1933. Judge Marshall has served with the National Association for the Advancement of Colored People (NAACP) since 1936 and was its Director-Counsel until he received his judgeship a few years ago.

INFORMATION IN BUFILES:

He was the subject of a Departmental applicant investigation in 1961 for the position of U. S. Circuit Judge. Numerous associates, judges and fellow attorneys highly recommended Marshall. He reportedly had a leading part in the NAACP decision that CP members and sympathizers had no place in that organization. Other attorneys and judges, however, felt his knowledge of matters outside of the civil rights field was very limited. Some individuals pointed out he had no previous judicial experience and felt he was prejudiced, biased and would not have the temperament to act without prejudice.

In 1939, he registered with the American Labor Party and in 1944 was listed as a national committeeman of the International Juridical Association. In 1945, Marshall wrote a report adopted by the "National Executive Board of the Lawyers' Guild." In 1947 he was a speaker on a program sponsored by the Progressive Citizens of America. All of these organizations have been cited by the House Committee on Un-American Activities.

On October 29, 1943, the "Daily Worker" contained a photograph of Marshall receiving a check from a Communist Party official for the purpose of fighting "Jim Crow." He was listed as a sponsor, in 1945, of a meeting of the National Negro Congress which had been designated pursuant to Executive Order 10450. In 1946, he was arrested in Tennessee for driving while intoxicated. He was immediately released.

1 - Mr. DeLoach

(4)

ENCLOSURE

27-88227-128

Continued...

b7c

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XXXXXXFEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET

1 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

- ☐ Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552Section 552a☐ (b)(1)☐ (b)(7)(A)☐ (d)(5)☐ (b)(2)☐ (b)(7)(B)☐ (j)(2)☐ (b)(3)☐ (b)(7)(C)☐ (k)(1)☐ (b)(7)(D)☐ (k)(2)☐ (b)(7)(E)☐ (k)(3)☐ (b)(7)(F)☐ (k)(4)☐ (b)(4)☐ (b)(8)☐ (k)(5)☐ (b)(5)☐ (b)(9)☐ (k)(6)☐ (b)(6)☐ (k)(7)

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☒ Pages were not considered for release as they are duplicative of Serial 117, page 2.

☐ For your information: _____

- ☒ The following number is to be used for reference regarding these pages:

77-88227-122, page 2 of enclosure.

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July 15, 1965

**THURGOOD MARSHALL
DEPARTMENTAL APPLICANT
SOLICITOR GENERAL OF THE UNITED STATES**

Reference is made to Department memorandum dated July 13, 1965, requesting any derogatory information received concerning Thurgood Marshall since the completion of a prior investigation conducted concerning him in 1961. An **record check** was also requested. **b3**
The files of this Bureau disclose that by memorandum dated January 21, 1963, to the Attorney General captioned "Committee to Secure Justice for Morton Sobell, Internal Security - C," information concerning Thurgood Marshall was furnished to the Department.

The files of this Bureau, including the files of the Identification Division, contain no further additional pertinent information concerning Judge Marshall since the investigation conducted concerning him in 1961. **b3**

Enclosure

NOTE: LHM to the Deputy Attorney General by O-6 7-15-65. **Rev-t 7-15-65**

77-85277-173
NOT RECORDED

14 SEP 8 1965

b7C

Tolson _____
Belmont _____
Mohr _____
DeLoach _____
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Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holloman _____

SEP 15 1965

1250

Room

F B I

Date: 7/16/65

Transmit the following in PLAIN TEXT
(Type in plaintext or code)Via AIRTEL
(Priority)

TO: DIRECTOR, FBI
FROM: SAC, NEW YORK (77-26395)(P)
SUBJECT: THURGOOD MARSHALL
SPECIAL INQUIRY

Re New York teletype to the Bureau 7/16/65.

Enclosed for the Bureau is one copy of a
characterization of the Committee to Secure Justice
for Morton Sobell (CSJMS).

Also enclosed for the Bureau is a copy of
an article entitled "New Vista Given to Episcopalians"
which appeared in the 10/24/64 issue of the "New York
Times" and contains information concerning the appointee.

2-Bureau (Encl 1)(RM)
1-New York

(5)

ENCLOSURE

77-88227-174
NOT RECORDED

17 JUL 17 1965

20 JUL 17 1965

Approved: _____

79 SEP 15 1965 Special Agent in Charge

Sent _____ M Per _____

Characterization of the Comm
Secure Justice for Morton So
GOOD MARSHALL
IAL ENQUIRY

ENCLOSURE

Bishops Challenge Church to Live Up to Itself

THE GEORGE HOLLAND

ST. LOUIS, Oct. 28—The bishops of the Protestant Episcopal Church warned the denomination's 2.5 million members today against becoming a "self-contained club" and called for an overriding "universal mission" with all Christianity.

In a pastoral letter issued at the close of the body's triennial general convention, the 180 bishops challenged the church to accept change "in order to preserve itself."

"A church that lives in Rank will die by Rank," they declared.

The letter was a direct endorsement of a manifesto promulgated more than a year ago at a worldwide Anglican Congress in Toronto. The Episcopal Church in this country is one of 16 national churches that form the 62 million member Anglican communion.

The manifesto, entitled "Mutual Responsibility and Interdependence in the Body of Christ," was a warning that the old paternalism of home churches to the mission fields, along with a built-in assumption of white superiority, must be eliminated. It proposed a major centralization of powers among the 18 sections of world Anglicanism.

Applications for Editorial

Shortly before the two-week convention adjourned this afternoon, the Right Rev. George I. Cadogan, Bishop of Missouri, publicly apologized in behalf of his home city and the host diocese for an editorial that appeared in this morning's St. Louis Globe-Democrat.

The editorial was sharply critical of Federal Judge Charles Marshall who walked out of the convention on Tuesday after its House of Deputies rejected a resolution denouncing the Dr. C. G. B. special congressman.

"Here is a Federal judge," the editorial said, "the very embodiment of our law, asking as though he had turned to his judicial robes for a pair of slacks and a COKE sweat-shirt. The spectacle is ludicrous and not a little hypocritical."

"This is a man who sits upon the United States Circuit Court of Appeals asking his church to encourage followers who violate sacred laws for reasons of conviction."

"The terrible danger of such an official underpinning of civil disobedience is that it leaves to the individual to judge what laws to violate."

The editorial noted that between Albany, Ga., and New York, N.Y., there were "a good half-million people who think that God is the Original Republican."

Answer to Quiz Question

"God bless this country, Judge Marshall," the official concluded. "If some Sunday morning the white supremacists take to their weapons and tell them we'll take them from the Abraham Lincoln statue to go follow their Superstitious God and not that to the American Congress—American President Monday morning it'll take the Lyndon B. administration and then come to embrace that Civil Rights Act."

In his statement, Bishop O'Connell noted that after Judge Marshall had left the courtroom the Honor of Bishop adopted a "b" and waved his hand.

the total responsibility, significant leadership, and over-riding authority, consisting of the following members:

The following are the members of the church's executive council, the program administrative arm of the church:

Cherry, six-year term—
Vernon E. Brown, John-
son Ave. Baptist Church,
School of the Pacific, Berkeley,
Calif.; the Rev. Stephen S.
Davenport, pastor of St. Fran-
cisco de Paula parish, Moreau
Ct., N.Y.; the Rev. Robert

Judge Marshall is a member of the Southern Baptist Convention and a member of the Southern Baptist Convention. The spectacle is not a little hypocritical.

"This is a man who sits upon the United States Circuit Court of Appeals adding his church to the minority of those who view the situation with the same eyes as mine."

"The terrible danger of such an official endorsement of civil disobedience is that it leaves to the individual to judge what laws to violate."

The editorial noted that to whom Albany, Ga., and McDonough, Miss., there were a good half-million people who think that God is the Original Supremacist.

Attack Is Called 'Unfair'

"God bless this country," Judge Marshall, the editorial declared, "if more Sunday morning the whole country took to their heels and left them until they were the American South."

He said that after Judge Marshall had left the country, the House of Bishops adopted a "strong and unequivocal statement of the Christian doctrine of obedience to God's law, and to civil authority, the right of conscience under extreme circumstances to reject unjust laws which deny human dignity."

"Now," the Bishop said, "no under official attack has been made on Judge Marshall by a St. Louis newspaper. This attack deal, unthoughtfully with the doctrine of man which belongs not only to Judge Marshall, but many other citizens, and completely misreads sound and historic Christian teaching."

"On behalf of St. Louis and the Diocese of Missouri, I should like to apologize for this editorial. May I assure this convention of my profound respect for the statement on Christian obedience the House of Bishops passed yesterday and extend my regrets to our distinguished brother in Christ whose departure from our midst is a judgment on us all."

Church Is 'New Age'

In their pastoral letter the bishops said:

"The church, as it lives in God and His world must consider the new nature of the world, and read aright the signs of the times. Of the many marks of the new age, perhaps the most all-embracing is the massive fact of rapid change, leading on to say that an old pattern living today has more changes to man's daily life than occurred in all previous history. This means, not only that the church, like all institutions, must change in order to preserve itself, but that it is called by God to change in order that it may serve."

"The church is not, by its nature, a series of parishes or dioceses — like marble on a city. It is, rather, a world body, brotherhood, fellowship, through which there moves a common divine life. Let us see, then, as a great opportunity, that the Word of God in modern history is pushing on together, and calling on us to become what we are. To fail to adapt to new facts, the life, forms, and structures of the church at all levels (national, diocesan and parochial) is a form of disobedience, a living to one's self, which renders an honorable judgment."

"We are not dissatisfied structures, vaguely looking at an impossible task; we are members of this church of Christ's church, with God calling us at our different levels to give our

own total responsibility. Anytime following, and over-riding common sense with the whole company of Christ's people."

The following were elected members of the church's executive council, the program administrative arm of the church:

Cherry, six-year term—the Very Rev. Sherman Johnson, dean of the Church Divinity School of the Pacific, Berkeley, Calif.; the Rev. Stephen R. Davenport, pastor of St. Francis-in-the-Fields parish, Harrods Creek, Ky.; the Rev. Edward E. Talm, of Atlanta. The Very Rev. Gordon E. O'Brien, pastor of St. Paul's Church, Peoria, Ill., was elected to a three-year term.

Laymen, six-year terms—Charles Crump, Memphis, Tenn.; Charles F. Bond, Mount Kisco, N. Y.; Albert C. Jacobs, Marlford; John P. Chassey, West Point, Va.; Dr. Wilbur C. Katz, Madison, Wis.; L. Dale Peterson of Eugene, Ore., and Herbert Van Walker of Champaign, Ill., were elected to three-year terms.

#2

236

NEW YORK

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

JUL 16 1965

SENT BY CODED TELETYPE

9-16 PM URGENT 7-16-65

TELETYPE

TO DIRECTOR AND ALBANY AND NEW HAVEN

FROM NEW YORK 77-26395 1P -----22-----

THURGOOD MARSHALL, SPI

REFERENCE TELEPHONE CALLS TO ALBANY AND NEW HAVEN, INSTANT DATE.

WHITE HOUSE HAS REQUESTED AN SPI TO BE CONDUCTED REGARDING APPOINTEE WHO WAS APPOINTED UNITED STATES SOLICITOR GENERAL. BUREAU HAS REQUESTED INVESTIGATION BE COMPLETED AND TO REACH BUREAU BY NOON JULY EIGHTEEN SIXTYFIVE.

APPOINTEE HAS BEEN CIRCUIT COURT OF APPEALS JUDGE, SECOND CIRCUIT, NYC, SINCE SIXTYONE.

INVESTIGATION, NYC, REFLECTS THE FOLLOWING CIRCUIT COURT OF APPEALS JUDGES CAN BE LOCATED AS FOLLOWS----

TELEPHONE

CONNECTICUT,

CONNECTICUT, TELEPHONE

FURNISHED FD THREE ZERO TWO CONCERNING APPOINTEE IN NINETEEN SIXTY ONE. SUBSTANCE OF FD THREE ZERO TWO TELEPHONICALLY DISCUSSED WITH NEW HAVEN/ THOMAS V. SWAN, RETIRED, POST BOX ONE EIGHT TWO EIGHT, POST OFFICE BUILDING, NEW HAVEN, CONNECTICUT,

VERMONT. ALBANY AND NEW HAVEN HANDLING.

END ACK PLS
79 SEP 15 1965

NOT RECORDED

14 SEP - 8 1965

FBI WASH DC

FBI BALTO

448PM EDST URGENT 7-16-65

TO DIRECTOR

FROM BALTIMORE (161-1708) RUC 3P

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

AUG 16 1965

TELETYPE

b7C

Mr. Tolson	_____
Mr. Belmont	_____
Mr. Mohr	_____
Mr. DeLoach	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

100-120

THURGOOD MARSHALL, SPI.

RE BUREAU PHONE CALL TO BALTIMORE SEVEN SIXTEEN INSTANT.

ON SEVEN SIXTEEN INSTANT

[REDACTED]

b7C

[REDACTED]

b7C

[REDACTED]

END PAGE ONE

77-88327-1
NOT RECORDED

14 SEP 8 1965

26 8 13 25
DO NOT WRITE ON
THIS

79 SEP 15 1965

9
122

XXXXXX
XXXXXX
XXXXXXFEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET

1 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

- ☒ Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552

Section 552a

☐ (b)(1)☐ (b)(7)(A)☐ (d)(5)☐ (b)(2)☐ (b)(7)(B)☐ (j)(2)☐ (b)(3)☒ (b)(7)(C)☐ (k)(1)☐ (b)(7)(D)☐ (k)(2)☐ (b)(7)(E)☐ (k)(3)☐ (b)(7)(F)☐ (k)(4)☐ (b)(4)☐ (b)(8)☐ (k)(5)☐ (b)(5)☐ (b)(9)☐ (k)(6)☐ (b)(6)☐ (k)(7)

- ☒ Information pertained only to a third party with no reference to the subject of your request.
- ☐ Information pertained only to a third party. The subject of your request is listed in the title only.
- ☐ Documents originated with another Government agency(ies). These documents were referred to that agency(ies) for review and direct response to you.

Pages contain information furnished by another Government agency(ies). You will be advised by the FBI as to the releasability of this information following our consultation with the other agency(ies).

Page(s) withheld inasmuch as a final release determination has not been made. You will be advised as to the disposition at a later date.

Pages were not considered for release as they are duplicative of _____

☐ For your information: _____

- ☒ The following number is to be used for reference regarding these pages:

77-88227-126, page 2

XXXXXX
XXXXXX
XXXXXX
 XXXXXXXXXXXXXXXXXXXXXXXX
 X DELETED PAGE(S) X
 X NO DUPLICATION FEE X
 X FOR THIS PAGE X
 XXXXXXXXXXXXXXXXXXXXXXXX

PAGE THREE

BA 161-1708

[REDACTED] MARYLAND COURT OF
APPEALS, ANNAPOLIS, MARYLAND, VERIFIED MARSHALL'S ADMITTANCE
TO THE MARYLAND BAR OCT. ELEVEN NINETEEN THIRTY-THREE AND
ADVISED THAT HE IS STILL IN GOOD STANDING. b7c

[REDACTED] BALTIMORE
CITY BAR GRIEVANCE COMMITTEE, BALTIMORE, MARYLAND, ADVISED
THAT THERE HAVE BEEN NO COMPLAINTS AGAINST MARSHALL SINCE THE
COMPLAINT FILED OCT. SIXTEEN NINETEEN THIRTY-SIX AND DISMISSED
NOV. FIVE NINETEEN THIRTY-SIX AS REPORTED IN THE NINETEEN
SIXTY-ONE DAPLI INVESTIGATION.

[REDACTED]
[REDACTED] MARYLAND STATE BAR GRIEVANCE COMMITTEE, BALTIMORE,
MARYLAND, ADVISED THAT HER RECORDS DID NOT REFLECT ANY COMPLAINTS
AGAINST MARSHALL.

END

JXM

FBI WASH DC

•

77 12 4 20 44 22
E B T
SEC. 1

1240

F B I

Date: 7/16/65

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL _____
(Priority)

TO: DIRECTOR, FBI
 FROM: SAC, WFO (77-72488)(P)
 THURGOOD MARSHALL
 SPI

b7C

Rerep of SA [REDACTED] dated 7/16/65, at WFO.

On 7/16/65, [REDACTED] Records Branch, Office of Security (SY), Department of State, telephonically informed SA [REDACTED] that [REDACTED] Reference Service Section, Civilian Records Branch, Federal Record Center, Alexandria, Virginia, had personally reviewed the appointee's SY file on 7/16/65, and had noted the following additional information.

In April, 1963, the Bureau of Educational and Cultural Affairs (CU), Department of State, informed SY that the appointee was under consideration for an American Specialist Grant. After doing a name check, SY, on 5/20/63, informed CU that the appointee was cleared for access to information classified up to confidential on a need-to-know basis.

In October, 1963, CU requested another name check for the appointee in connection with an American Specialist Grant. After completing a name check, SY, on 10/16/63, advised CU that it interposed no objection to the access by appointee to classified information on a need-to-know basis.

The file contained no additional pertinent information.

① - Bureau
 1 - WFO

(2)

AIRTEL

77-88227-1181

NOT RECORDED

14 SEP 8 1965

b7C

200 8 1 2 5 N A

Approved: [Signature]

Sent

M

Per

b7C

FBI WASH DC

FBI CHICAGO

544 PM CDST URGENT 7/16/65

TO: DIRECTOR (77-88227)

FROM: CHICAGO (77-12343)

COMMUNICATIONS SECTION

JUL 16 1965

TELETYPE

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. DeLoach
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

THURGOOD MARSHALL, DAPLI

REFERENCE BUREAU PHONE CALL TO CHICAGO JULY SIXTEEN
INSTANT.

[REDACTED] AMERICAN BAR ASSOCIATION (ABA)
CHICAGO, ADVISED INSTANT APPLICANT ELECTED ABA APRIL TWENTYFOUR
SIXTYFOUR, CURRENT MEMBER IN GOOD STANDING, NO GRIEVANCES.
APPLICANT'S BIRTH SHOWN JULY TWO NINETEEN EIGHT, ADMITTED TO
BAR NINETEEN THIRTYTHREE IN MARYLAND. CURRENT ADDRESS U.S. COURT
OF APPEALS, FOLEY SQUARE, NEW YORK CITY.

[REDACTED] NATIONAL
BAR ASSOCIATION (NBA), CHICAGO, ADVISED INSTANT THAT APPLICANT
CURRENT MEMBER OF NBA, EXACT DATE UNKNOWN. NO UNFAVORABLE
INFORMATION OR GRIEVANCES LISTED AGAINST APPLICANT.

REPORT FOLLOWS.

END

~~CORR LINE 1 SECOND WORD SHOULD BE MARSHALL~~

~~AND LINE 9 WORD 1 SHOULD BE OF~~

VA..

FBI WASH DC

20 8 11 23 PM '65

RECEIVED

79 SEP 15 1965

77-8822
NOT RECORDED
14 SEP 8 1965

FBI

1242

FBI

Date: 7/16/65

Transmit the following in _____

(Type in plaintext or code)

Via AIRTEL _____

(Priority)

TO: DIRECTOR, FBI

FROM: SAC, WFO (77-72488)

THURGOOD MARSHALL
SPIReWFO report dated 7/16/65. b7c

32 On 7/16/65, [REDACTED] furnished SA [REDACTED] the following information concerning MARSHALL:

[REDACTED] initially stated that he supposes the reason the FBI is contacting him is from the results of his speech on the floor of the House on 7/15/65.

[REDACTED] explained one of the reasons he made this speech was from the result of former Governor COLEMAN's of Louisiana appearance before the Senate Committee concerning his proposed U. S. District Judgeship appointment.

[REDACTED] explained when asked by the Senate Committee if his views on the racial situation had changed, Governor COLEMAN made a statement in effect that they had changed.

[REDACTED] was of the impression that Senator JACOB JAVITS of New York indicated at this hearing that this did not ring true, and in effect said that men do not change, referring to Governor COLEMAN's racial stand. b7c

[REDACTED] stated he feels that THURGOOD MARSHALL's past activity with the National Lawyers Guild should be highlighted and he should be required to explain what his present feelings are concerning the Communist Party (CP). [REDACTED] stated the information he has obtained concerning MARSHALL and organizations cited as being front groups or associated groups with the CP has come from the House Committee on Un-American Activities (HCUA).

① - Bureau
① - WFO

77-88222-129
26 8 11:09 AM
14 SEP 8 1965

Approved: _____

Special Agent in Charge

Sent _____

Per _____

b7c

WFOI 77-72488

[REDACTED] also cited the 2/8/48, Page A 22, and 2/12/48, Page A 82, of the "Washington Evening Star", wherein MARSHALL openly criticized the Government Employee's Loyalty Oath. He also referred to the "Daily Worker" dated 11/24/47, Page 4, wherein MARSHALL was among a group of attorneys protesting the investigation of the CP activities in Hollywood, California. He referred to the HCUA report of December, 1949, which listed MARSHALL as an officer of the National Lawyers Guild.

b7C

[REDACTED] again reiterated he had no personal knowledge concerning MARSHALL, his associates, background, and activities. He stated that the statements he made on the floor of Congress was such as he believed that anyone who would be in a position of Solicitor General should make known what his feelings would be if he were to present a case to the Supreme Court concerning the CP. [REDACTED] stated that in his opinion all of MARSHALL's past affiliation with the Lawyers Guild and related CP affiliations should be examined as to his present feelings concerning the matters, to remove any onus from MARSHALL and the position of Solicitor General, to which he may be appointed.

1244

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

JUL 16 1965

TELETYPE

b7C

Mr. Tolson	_____
Mr. Belmont	_____
Mr. Mohr	_____
Mr. DeLoach	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Mr. Holmes	_____
Miss Gandy	_____

n/a
2/6
FBI WASH DC

FBI ALBANY

751 PM EDST URGENT 7/16/65

TO DIRECTOR

FROM ALBANY (161-612)

THURGOOD MARSHALL, SPI.

RE TEL CALL FROM NEW YORK JULY SIXTEEN INSTANT.

MR. CLEVELAND
ROOM 1218

VT., STATES HE DOES NOT KNOW MARSHALL, HAS NEVER MET HIM, AND THEREFORE CAN NOT RECOMMEND HIM ONE WAY OR THE OTHER. HE STATED THAT HE HAS NEVER HEARD ANY CRITICISM OF MARSHALL FROM OTHER MEMBERS OF THE COURT. REPORT FOLLOWS.

END

WA WA-R U THERE

FBI WASH DC

b7C

77-78227-13
NOT RECORDED
14 SEP 8 1965

79 SEP 10 1965

23
1245

FBI NEW YORK

253PM URGENT 7-17-65

TO DIRECTOR

-9-

FROM NEW YORK /77-26395/

Mr. Tolson	
Mr. DeLoach	
Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Mr. Holmes	
Miss Gandy	

THURGOOD MARSHALL, SPI

RE NEW YORK TELETYPE JULY SIXTEEN SIXTY FIVE.

27 ON JULY SEVENTEEN SIXTY FIVE,

NYC, ADVISED SA [REDACTED] THAT HE IS STILL THE APPOINTEE-S

[REDACTED] AND HE SEES THE APPOINTEE PROFESSIONALLY TWO OR THREE TIMES A YEAR. [REDACTED] STATED HE ALSO SEES THE APPOINTEE OCCASIONALLY ON A SOCIAL BASIS USUALLY AT THE APPOINTEE-S HOME.

[REDACTED] ADVISED THAT HIS OPINION REGARDING THE APPOINTEE HAS NOT CHANGED SINCE HE WAS INTERVIEWED IN NINETEEN SIXTY ONE. HE STATED

HE STILL HAS THE HIGHEST REGARD FOR THE APPOINTEE-S INTEGRITY AND FEELS HE IS A PERSON OF EXCELLENT CHARACTER, REPUTATION AND ASSOCIATES.

STATED THAT APPOINTEE-S LOYALTY TO THE UNITED STATES IS BEYOND REPROACH

[REDACTED] ADVISED THAT AS FAR AS HE IS CONCERNED THE APPOINTEE IS OF HIGH ABILITY AND WILL CONTINUE TO DO AN EXCELLENT JOB FOR THE UNITED STATES GOVERNMENT IN ANY CAPACITY.

[REDACTED] ADVISED THAT [REDACTED]

END PAGE ONE
79 SEP 13 1965

77-2227-1
NOT RECORDED
14 SEP 8 1965

PAGE TWO

b7c

[REDACTED]
[REDACTED]
[REDACTED] IT IS HIS OPINION THAT THE APPOINTEE IS IN
EXCELLENT PHYSICAL CONDITION.

END LINE 15 VDS - E XXX EXCELLENT

END

VA... [REDACTED]

FBI WASH DC

b7c

DEC 11 1964

101

1247

FBI WASH DC



b7C

Mr. Tolson	
Mr. DeLoach	
Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Mr. Holloman	
Miss Gandy	

FBI BOSTON

2 10PM

URGENT

7 17 65

TO: DIRECTOR (77-^{78 227}~~68227~~)

FROM: BOSTON (77-10147)

THURGOOD MARSHALL, SPI

MR. CLEVELAND
2000 24

b7C

RE NEW YORK TELETYPE TO BUREAU AND BOSTON JULY SIXTEEN
LAST AND REPORT OF SA [REDACTED] SEPTEMBER FIFTEEN
SIXTY-ONE, AT BOSTON, CAPTIONED THURGOOD MARSHALL, CIRCUIT
JUDGE, SECOND CIRCUIT".

26 ON JULY SIXTEEN LAST, [REDACTED]

[REDACTED] OF THE
NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE
EDUCATIONAL FUND INC., [REDACTED]

77-78227-1
NOT RECORDED

14 SEP 8 1965

[REDACTED] ADVISED SA [REDACTED] HE HAS
KNOWN APPOINTEE WELL BOTH SOCIALLY AND PROFESSIONALLY FOR THE
PAST TEN YEARS.

b7C

HE RECOMMENDED APPOINTEE UNCONDITIONALLY FOR THE POSITION
OF SOLICITOR GENERAL. HE CONSIDERS APPOINTEE A VERY ABLE,
EXPERIENCED ATTORNEY AND A MAN OF HIGH PRINCIPLES. HE SAID
NO SEP 15 1965

copies destroyed

9
1248

BS 77 10147

PAGE TWO

APPOINTEE IS OF UNQUESTIONED LOYALTY TO THE UNITED STATES AND
A MAN OF EXCELLENT CHARACTER, REPUTATION AND ASSOCIATES.

ON JULY SEVENTEEN INSTANT, [REDACTED] b7c
[REDACTED] KENNEBUNKPORT, ME., ADVISED SA
[REDACTED] THAT HE IS THE [REDACTED] OF [REDACTED]
[REDACTED] IS IN EUROPE AND
NOT AVAILABLE FOR INTERVIEW.

ON JULY SIXTEEN LAST, SA [REDACTED] CONTACTED
[REDACTED] BOSTON, MASS
IN AN EFFORT TO REACH [REDACTED]
APPOINTEE. [REDACTED] SAID IF [REDACTED] WAS IN TOWN, HE HAD NOT CONTACTED
HIM AND HE ALSO DETERMINED [REDACTED] HAD NOT BEEN IN TOUCH WITH
LOCAL NAACP OFFICE. HE STATED HE WOULD ADVISE THIS OFFICE IF HE
ASCERTAINED [REDACTED] WHEREABOUTS.

SA [REDACTED] NEW YORK OFFICE WAS TELEPHONICALLY
NOTIFIED OF THE ABOVE. b7c

REPORT FOLLOWS.

CORR 1ST PG

6TH LINE 1ST WORD PARTNER

2ND PG 10TH LINE CORRECT NAME [REDACTED]

END AND ACK PLS

VA. [REDACTED]

FBI WASH DC

TU DT

1249

F

FBI WASH DC

FBI NEW HAVEN

6:17 PM EDT 7/17/65 URGENT

TO DIRECTOR

FROM NEW HAVEN (161-659)

THURGOOD MARSHALL, SPI.

RE NEW YORK TELEPHONE CALL JULY SIXTEEN LAST.

NEW HAVEN INDICES CONTAIN NO ADDITIONAL DEROGATORY INFO RE MARSHALL
SINCE LAST REPORT IN NINETEEN SIXTY ONE.

FOLLOWING CONDUCTED ON JULY SIXTEEN LAST.

✓ 28 [REDACTED] U.S. COURT OF APPEALS FOR THE SECOND
CIRCUIT ADVISED SA [REDACTED] THAT HE HAS BEEN ACQUAINTED PROFESSIONALLY
WITH MARSHALL SINCE FALL OF NINETEEN SIXTY ONE. HAS FOUND
MARSHALL TO BE RESPECTABLE, RELIABLE, RESPONSIBLE, TRUSTWORTHY, MODEST,
SINCERE AND A DEVOTED FAMILY MAN WHO POSSESSES A GOOD SENSE OF HUMOR.
MARSHALL POSSESSES A BRIGHT QUICK MIND AND IS WELL LIKED BY FELLOW JUDGES.
REGARDS MARSHALL AS A PERSON OF EXCELLENT CHARACTER, MORALS AND REPUTATION.

MARSHALL'S ASSOCIATES KNOWN TO [REDACTED] ARE RESPONSIBLE INDIVIDUALS.

AND MARSHALL HAS USED GOOD JUDGMENT IN CHOICE OF ASSOCIATES.

1250
b7C

Mr. Tolson	_____
Mr. Belmont	_____
Mr. Mohr	_____
Mr. DeLoach	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

NOT RECORDED

72-1127-1339

SEP 15 1965

PAGE TWO

NH 161-659

HAS NEVER HAD REASON TO QUESTION MARSHALL'S LOYALTY TO U.S. BECAUSE OF
INTEREST BY MARSHALL IN CIVIL RIGHTS AND TRIPS TAKEN ON BEHALF OF U.S.
GOVERNMENT, MARSHALL HAS NOT DEVOTED AS MUCH TIME TO BUSINESS OF U.S.
COURT OF APPEALS FOR SECOND DISTRICT AS HAVE OTHER JUDGES. HE IS NOT
AS WELL TRAINED AS A JUDGE AS ARE THE OTHER MEMBERS OF THE COURT AND
IS LESS USEFUL BECAUSE OF THIS. HE HAS HAD A MORE NARROW EXPERIENCE
AS A LAWYER THAN OTHER JUDGES OF THE COURT. MARSHALL'S PREVIOUS
BACKGROUND AND EXPERIENCE HAVE GIVEN HIM SOMEWHAT NARROWER VIEW THAN
OTHER JUDGES OF THE COURT. HE HAS STRONG VIEWS ON CIVIL RIGHTS AND IS
NOT BALANCED AND IMPARTIAL IN THIS FIELD AS ARE OTHER JUDGES OF THE
COURT. MARSHALL IS LESS ABLE JUDGE THAN OTHER MEMBERS OF THE COURT.

29 RETIRED U.S. JUDGE THOMAS W. SWAN, SECOND CIRCUIT COURT OF APPEALS
RIVER ROAD, GUILFORD, CONN., ADVISED SA [REDACTED] HE HAS KNOWN
MARSHALL AS A FELLOW JUDGE AND SAT ON THE BENCH WITH HIM. REGARDS HIM
AS ABLE, SINCERE AND IMPARTIAL. BELIEVES MARSHALL HONEST MAN OF DED-
ICATED CONVICTIONS OF EQUALITY FOR ALL. ENDORSES APPOINTMENT AS
SOLICITOR GENERAL.

END PAGE TWO

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PAGE THREE.....

NH 161-659

b7C

30 [REDACTED], U.S. COURT OF APPEALS, SECOND CIRCUIT,
RESIDING [REDACTED], ADVISE SA [REDACTED] THAT
HE HAS KNOWN MARSHALL PAST THREE YEARS AS ASSOCIATE. STATED APPOINTEE'S
BACKGROUND IS RADICALLY DIFFERENT THAN BACKGROUNDS OF PREVIOUS MEN
WHO HAVE HELD POSITION OF SOLICITOR GENERAL. STATED MARSHALL ALL HIS
LIFE HAS BEEN PROTAGONIST FOR NAACP AND BULK OF HIS EXPERIENCE HAS BEEN
PLEADING CAUSE OF THE COLORED PEOPLE. ADVISED MARSHALL HAS DONE FINE
JOB AND POSSESSES ALL NECESSARY QUALIFICATIONS TO PRESENT CASES TO U.S.
SUPREME COURT. STATED MARSHALL PERSON OF HIGHEST CHARACTER AND
REPUTATION AND THERE IS NO DOUBT AS TO HIS LOYALTY TO U.S.

STATED APPOINTEE IS THROUGHLY PRACTICAL FELLOW WITH A BROAD EX-
PERIENCE WITH PEOPLE. STATED APPOINTEE GREW UP HARD WAY AND KNOWS WHAT
LIFE IS ALL ABOUT. CONCLUDED BY STATING APPOINTEE IS EXCEEDINGLY WELL
QUALIFIED TO PRESENT ANY CASE IN COURT AND HE HAS CONFIDENCE THAT
APPOINTEE WILL DO A GOOD JOB AS U.S. SOLICITOR GENERAL.

END PAGE THREE

175

PAGE FOUR.....

NH 161-659

REPORT FOLLOWS.

CORRECTIONS.

LINE 5 PAGE ONE LAST WD SH BE SECOND

LINE 10 PAGE ONE LAST WD SH BE JUDGES

VA

FBI WASH D

b7c

11-11-68

1252

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

SENT BY CODED TELETYPE
FBI NEW YORK
250 AM EDST URGENT 7-17-65
TO DIRECTOR -3-
FROM NEW YORK /77-26395/

JUL 17 1965
TELETYPE

MR. CLEVELAND
ROOM 1

Mr. Tolson	_____
Mr. Belmont	_____
Mr. Mohr	_____
Mr. DeLoach	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

b7c

THURGOOD MARSHALL. SPI.

RE BUREAU TELEPHONE CALL TO NY, JULY SIXTEEN INSTANT

[REDACTED] TO JUDGE THURGOOD MARSHALL, ADVISED SA [REDACTED] JULY SIXTEEN THAT JUDGE MARSHALL HAS CONTINUOUSLY SERVED ON THE BENCH SINCE HIS APPOINTMENT IN NINETEEN SIXTYONE. HE CURRENTLY RESIDES AT FIVE ZERO ONE WEST ONE HUNDRED TWENTYTHIRD STREET, NYC ALONG WITH WIFE, TWO SONS, AND HIS AUNT, MEDIA DODSON, THE LATTER MOVING IN WITH JUDGE MARSHALL AFTER HER HUSBAND'S DEATH. DODSON IS APPOINTEE'S MOTHER'S SISTER. SHE RECOMMENDED HIM HIGHLY.

[REDACTED] US COURT OF APPEALS, FOR THE SECOND CIRCUIT, ADVISED SA [REDACTED] JULY SIXTEEN THAT HE HAS KNOWN APPOINTEE SINCE HE WAS APPOINTED IN NINETEEN SIXTYONE. HAS NEVER BEEN TO HIS HOME BUT HAS MET HIS WIFE. [REDACTED] STATED APPOINTEE TRIES TO MAXIMUM OF HIS CAPACITY TO PERFORM HIS DUTIES AS AN APPELLATE JUDGE. BASICALLY, ACCORDING TO [REDACTED] THE APPOINTEE IS AN ADVOCATE AND A GOOD ADVOCATE. HE ADDED THAT APPOINTEE HAS HAD MUCH EXPERIENCE ARGUING CASES IN THE US SUPREME COURT AND THE NECESSARY EXPERIENCE FOR THE POS-
END PAGE ONE.....

NOT RECORDED
14 SEP 8 1965

17-127-134

b7c

266 6. 1. 23 1965

b7c

PAGE TWO

ITION OF SOLICITOR GENERAL OF THE US. HE STATED THAT THE APPOINTEE'S JUDICIAL TEMPERAMENT AS AN APPELLATE JUDGE COULD ONLY BE ASCERTAINED BY REVIEWING HIS OPINIONS. HE STATED THERE IS NO QUESTION AS TO HIS LOYALTY TO THE UNITED STATES. b7C

3 [REDACTED] US COURT OF APPEALS, FOR THE SECOND CIRCUIT ADVISED SA [REDACTED] ON JULY SIXTEEN THAT HE HAS KNOWN THE APPOINTEE SINCE NINETEEN SIXTYONE. HE STATED HE BELIEVES THAT JUDGE MARSHALL IS A GOOD JUDGE, AND HE KNOWS NO ONE WHO HAS ANY FINER CHARACTER THAN THE APPOINTEE. HE DESCRIBED THE APPOINTEE AS A MAN OF UNQUESTIONABLE INTEGRITY WHO INSISTS ON THE FULL TREATMENT IN EVERY THING HE DOES. HE DIVISED THAT THE APPOINTEE IS VIGROUSLY ANTI-COMMUNIST AS SHOWN IN HIS EFFORTS TO KEEP THE NAACP FROM BEING INFILTRATED WHEN HE WAS WITH THIS ORGANIZATION. HE STATED THE APPOINTEE IS A GOOD MAN FOR THE JOB FOR WHICH HE BEING CONSIDERED. b7C

4 [REDACTED] US DISTRICT COURT, SDNY, ADVISED SA [REDACTED] ON JULY SIXTEEN THAT HE HAS KNOWN THE APPOINTEE SINCE NINETEEN SIXTYONE AND DESCRIBED JUDGE MARSHALL AS EVERY INCH A GENTLEMAN AND A SCHOLAR WHO IS VERY LOYAL TO THE US HE STATED HE COULD NOT THINK OF ANYTHING BUT THE HIGHEST PRAISE FOR JUDGE MARSHALL. HE MET APPOINTEES WIFE ON SEVERAL OCCASIONS AND FINDS HER AN ATTRACTIVE WOMAN OF GOOD CHARACTER. HE ADVISED HE FEELS THAT JUDGE MARSHALL IS A GOOD MAN
END PAGE TWO..... 12

PAGE THREE

FOR THE POSITION FOR WHICH HE HAS BEEN APPOINTED AND HE WOULD
RECOMMEND HIM. b7c

5 [REDACTED] US DISTRICT COURT SDNY, ADVISED
SA [REDACTED] ON JULY SIXTEEN THAT HE FIRST MET APPOINTEE IN NINETEEN
SIXTYONE. HE STATED APPOINTEE HAS BECOME AN EXCELLENT JUDGE WITH GREAT
UNDERSTANDING AND ONE OF THE MOST COOPERATIVE PERSONS HE KNOWS. HE
STATED APPOINTEE HAS AN EXCELLENT JUDICIAL TEMPERAMENT AND HE HAS
NO REASON WHATSOEVER TO QUESTION HIS LOYALTY TO THE UNITED STATES.
HE RECOMMENDED HIM FOR THE APPOINTMENT FOR WHICH HE IS BEING CONSIDERED.

6 [REDACTED] ADVISED SA [REDACTED] ON JULY SIXTEEN THAT
HE HAS KNOWN THE APPOINTEE FOR SIX OR SEVEN YEARS AND JUDGE MARSHALL HAS
BEEN A FINE JUDGE SINCE BEING APPOINTED TO THE BENCH. HE STATED THE
APPOINTEE IS EXTREMELY WELL QUALIFIED FOR THE POSITION OF SOLICITOR
GENERAL. HE HAS MET APPOINTEE'S WIFE ON SEVERAL OCCASIONS, BUT DOES
NOT KNOW HER WELL ENOUGH TO COMMENT CONCERNING HER. HE STATED APPOINTEE
HAS EXCELLENT JUDICIAL TEMPERAMENT AND IS EXCELLENT ON CRIMINAL MATTERS.
HE RECOMMENDS. b7c

7 [REDACTED] ADVISED SA [REDACTED] ON JULY SIXTEEN THAT HE
HAS KNOWN APPOINTEE SINCE NINETEEN SIXTYONE AND FINDS HIM A VERY COMPET-
ENT JUDGE. HE HAS ARGUED APPEALS BEFORE THE APPOINTEE AND HAS FOUND
HIM EXTREMELY ALERT TO PROBLEMS AND ONE WHO GETS THROUGH TO THE HEART
OF THE MATTER. THERE HAS NEVER BEEN ANY REASON TO QUESTION HIM FOR THE
POSITION OF SOLICITOR GENERAL OF THE US.

END PAGE THREE.....

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PAGE FOUR

b7c

8 [REDACTED] US DISTRICT COURT, SDNY A RES-
IDENT OF [REDACTED] ADVISED SA

[REDACTED] ON JULY SIXTEEN, NINETEEN SIXTYFIVE, THAT HE FIRST MET
THURGOOD MARSHALL ABOUT NINETEEN SIXTYONE WHEN MARSHALL WAS APPOINTED
TO THE SECOND CIRCUIT US COURT OF APPEALS. MARSHALL HAD HAD NO PRIOR
JUDICIAL EXPERIENCE BUT HAD HAD CONSIDERABLE EXPERIENCE AS ATTORNEY
FOR THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE
(NAACP) AND SOME OF THAT EXPERIENCE WAS ARGUING CASES BEFORE US SUPREME
COURT. HE STATED THAT MARSHALL HAD REVIEWED CASES THAT HAD PREVIOUSLY
BEEN ADJUDICATED BY [REDACTED] IN THE DISTRICT COURT. [REDACTED] STATED
HE CONSIDERED MARSHALL'S KNOWLEDGE OF THE LAW TO BE EXCELLENT. HIS
DECISIONS ARE CONSIDERED BY [REDACTED] TO BE VERY FAIR AND THAT MARSHALL
ONLY "CALLS THEM AS HE SEES THEM" HE STATED THAT HIS ONLY
SOCIAL CONTACTS WITH MARSHALL HAVE BEEN AT JUDICIAL CONFERENCES, AND
ON ONE OCCASSION AT A DINNER IN NEW YORK CITY WHERE [REDACTED]
ALSO MET MRS. MARSHALL. HE STATED THAT MRS. MARSHALL IMPRESSED HIM
AS BEING A VERY CHARMING LADY WHOM HE CONSIDERED ONE OF THE FINEST HE
END PAGE FOUR.....

b7c

1257

PAGE FIVE

HAS MET. HE SAID THAT MARSHALL AS A JUDGE HAS AN EXCELLENT SENSE OF HUMOR AND HE CAN SEE NOTHING UNFAVORABLE CONCERNING HIM. HE CONSIDERS HIM HONEST, TRUSTWORTHY AND A LOYAL AMERICAN CITIZEN WHOM HE WOULD RECOMMEND FOR A POSITION OF SOLICITOR GENERAL IN THE UNITED STATES DEPARTMENT OF JUSTICE.

ON JULY SIXTEEN SIXTYFIVE, [REDACTED] CIRCUIT COURT OF APPEALS, FOLEY SQUARE, NYC, ADVISED SPECIAL AGENT [REDACTED] THAT HE WAS ACQUAINTED WITH APPOINTEE PRIOR TO APPOINTEE'S APPOINTMENT AS A CIRCUIT COURT OF APPEALS JUDGE. HE KNEW HIM PRIMARILY THROUGH HIS REPUTATION AS AN ATTORNEY FOR THE NAACP. [REDACTED] STATED THAT APPOINTEE HAS MADE A FINE APPEARANCE AS A CIRCUIT COURT OF APPEALS JUDGE AND HAS BEEN A GOOD COLLEAGUE. [REDACTED] STATED HE KNOWS NOTHING WHICH WOULD REFLECT UNFAVORABLY UPON APPOINTEE WHATSOEVER, AND IS SORRY TO SEE HIM LEAVE. HE STATED HE KNEW OF NO REASON WHY APPOINTEE'S APPOINTMENT AS US SOLICITOR GENERAL SHOULD NOT BE CONFIRMED BY THE US SENATE. b7C

ON JULY SIXTEEN SIXTYFIVE, [REDACTED] US DISTRICT JUDGE FOLEY SQUARE, NYC, ADVISED SPECIAL AGENT [REDACTED] THAT HE KNEW THAT APPOINTEE IS A PERSON WHO WOULD ALWAYS PLACE HIS PRINCIPLES ABOVE PERSONAL GAIN. APPOINTEE IS A PERSON OF THE HIGHEST MORALS, IS END PAGE FIVE.....PA sony b7C

PAGE SIX

RELIABLE, DECENT, TEMPERATE, AND AN OUTSTANDING INDIVIDUAL. APPOINTEE HAS A VERY GOOD SENSE OF HUMOR, AND TO HIS UNDERSTANDING HAS DONE AN OUTSTANDING JOB AS A CIRCUIT COURT OF APPEALS JUDGE. [REDACTED] COULD NOT RECOMMEND APPLICANT HIGHLY ENOUGH FOR THE POSITION OF US SOLICITOR GENERAL. b7C

11 ON JULY SIXTEEN [REDACTED] SECOND CIRCUIT OF APPEALS, WAS INTERVIEWED AT [REDACTED] BY SA [REDACTED]

[REDACTED] ADVISED HE HAS KNOWN THE APPOINTEE TO THE SECOND CIRCUIT COURT OF APPEALS. [REDACTED] ADVISED THE APPOINTEE IS AN ABLE, INTELLIGENT MAN, WHO IS "MARVELOUS IN CIVIL RIGHTS." HE HAS SEEN THE APPOINTEE AND HIS WIFE ON SEVERAL OCCASIONS AND REGARDS THEM AS LOYAL AMERICANS OF EXCELLENT CHARACTER, REPUTATION AND ASSOCIATES HE RECOMMENDED THE APPOINTEE FOR A POSITION OF TRUST AND CONFIDENCE WITH THE US GOVERNMENT. b7C

12 [REDACTED] NYC, ON JULY SIXTEEN SIXTYFIVE ADVISED SA [REDACTED] THAT HE HAS KNOWN THE APPOINTEE SINCE NINETEEN TEN OR ELEVEN AND HAS FOLLOWED HIS ACTIVITIES AND PROGRESS CLOSELY OVER THE YEARS. HE HAS GREAT ADMIRATION FOR MARSHALL AND HAS BEEN INTENSELY INTERESTED IN HIS SUCCESS AND ADVANCEMENT. MARSHALL IS "A ONE" AND "FIRST CLASS" IN EVERY RESPECT AS FAR AS HE IS CONCERNED. END PAGE SIX.....

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b7C

[REDACTED] STATED THAT THURGOOD MARSHALL IS A CREDIT TO HIS RACE AND A CREDIT TO HIS COUNTRY. HE ADVISED THAT NONE OF HIS OPINIONS RE THE APPOINTEE WOULD HAVE CHANGED SINCE HIS LAST INTERVIEW ON THIS SUBJECT IN SIXTY ONE.

[REDACTED] FURTHER ADVISED THAT HE BELIEVED THE APPOINTEE TO POSSESS THE VERY HIGHEST ABILITY IN LAW AND THE JUDICIARY. HE STATED THAT MARSHALL WAS A "JUDGE AMONG JUDGES" JUST AS HE WAS A "LAWYER AMONG LAWYERS". THE APPOINTEE IS ALSO A PERFECT GENTLEMAN AND THERE HAS NEVER BEEN THE SLIGHTEST TAINT TO HIS PERSONAL OR PUBLIC LIFE. HE HAS NEVER BEEN ASSOCIATED WITH AN ORGANIZATION OF A QUESTIONABLE NATURE AND HAS NEVER BEEN ENGAGED IN ANY ACTIVITIES WHICH COULD BE IN THE SLIGHTEST CRITICIZED. HE ADVISED THAT HE WOULD HIGHLY RECOMMEND THE APPOINTEE IN ALL RESPECTS.

b7C

13 ON JULY SIXTEEN SIXTY FIVE, MR. ARTHUR SPINGARN, ATTORNEY, THREE ZERO SIX WEST FORTY FOURTH ST., NYC, ADVISED SA [REDACTED] THAT HE IS PRESIDENT OF THE NAACP AND THAT HE HIRED MARSHALL WHEN HE, SPINGARN, WAS CHAIRMAN OF THE LEGAL COMMITTEE OF THE NAACP. HE RECALLED BEING

END PAGE SEVEN

12

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INTERVIEWED CONCERNING MARSHALL IN SIXTY ONE AND SAID THAT HE STILL HOLDS THE SAME HIGH OPINION OF MARSHALL AS HE DID THEN. HE STATED THAT HE HAS MAINTAINED THE SAME CLOSE ASSOCIATION WITH MARSHALL DURING THE PAST FOUR YEARS AND THAT MARSHALL AND HIS FAMILY FREQUENTLY SPENT SUMMER VACATIONS WITH SPINGARN AT SPINGARN-S SUMMER HOME IN AMENIA, NEW YORK, UNTIL TWO YEARS AGO WHEN THE HOME BURNED DOWN. HE SAID MARSHALL IS IN THE PROCESS OF BUILDING A COTTAGE ON THE LAND. HE ADDED THAT AS A U. S. CIRCUIT COURT JUDGE, MARSHALL ADDED STATURE, AN EXCELLENT REPUTATION AS A COMPETENT FAIR INDIVIDUAL WITH AN EXCELLENT KNOWLEDGE OF THE LAW. HE SAID HE IS STRONGLY ANTI-COMMUNIST, THAT HE AND HIS FAMILY ARE ENTIRELY LOYAL TO THE U. S. AND THAT HE WOULD RECOMMEND MARSHALL HIGHLY FOR A RESPONSIBLE POSITION WITH THE GOVERNMENT.

ON JULY SIXTEEN SIXTY FIVE, [REDACTED] b7c
[REDACTED] NAACP, [REDACTED], NYC, ADVISED SA [REDACTED]
[REDACTED] THAT HE WAS INTERVIEWED IN SIXTY ONE CONCERNING MARSHALL, THAT HE HAS HAD FREQUENT PROFESSIONAL AND SOCIAL CONTACT WITH MARSHALL DURING THE PAST FOUR YEARS AND THAT NOTHING HAS OCCURRED THAT WOULD CHANGE THE
END PAGE EIGHT

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VERY HIGH OPINION THAT HE HOLDS OF MARSHALL IN SIXTY ONE. HE SAID THAT MARSHALL IS AN OUTSTANDING AMERICAN, A PERSON OF THE HIGHEST PERSONAL AND PROFESSIONAL CHARACTER AND THAT HE WOULD RECOMMEND HIM HIGHLY FOR A RESPONSIBLE POSITION WITH THE GOVERNMENT. b7C

15 ON JULY SIXTEEN SIXTY FIVE [REDACTED] NAACP LEGAL DEFENSE AND EDUCATIONAL FUND, INC., ADVISED SA [REDACTED] THAT HE HAS KNOWN THE APPOINTEE INTIMATELY SINCE NINETEEN FIFTY TWO, AND KNEW HIM ON A CASUAL BASIS TEN YEARS PRIOR TO THAT TIME. HE ADVISED THAT APPOINTEE AND HIS WIFE ARE LOYAL AMERICANS OF EXCELLENT CHARACTER AND REPUTATION. HE ADVISED THAT APPOINTEE POSSESSES UNMISTAKEABLE LEGAL ABILITY AND ALWAYS DEMONSTRATED HIMSELF TO BE A BRILLIANT ATTORNEY. [REDACTED] ADVISED THAT THE APPOINTEE HAS A BROTHER WHO IS A PHYSICIAN IN BALTIMORE, AND ALSO HAS AUNT. NEITHER OF WHOM ARE WELL KNOWN TO [REDACTED] HE RECOMMENDED APPOINTEE WITHOUT QUALIFICATION FOR A POSITION OF HIGH TRUST AND CONFIDENCE. b7C

14 ON JULY SIXTEEN SIXTY FIVE, [REDACTED] NAACP LEGAL DEFENSE AND EDUCATIONAL FUND, INC., [REDACTED] END PAGE NINE 128

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b7C

NYC, ADVISED SA [REDACTED] THAT HE HAS KNOWN THE APPOINTEE SINCE NINETEEN FORTY NINE THROUGH THEIR ASSOCIATION WITH THE NAACP. HE STATED THAT HIS PREVIOUS COMMENTS FROM THE SIXTY ONE INVESTIGATION OF THE APPOINTEE WOULD STILL STAND. HE RELATED THAT THE APPOINTEE IS ONE OF THE OUTSTANDING AMERICANS IN THE COUNTRY TODAY. HE STATED THERE IS NO QUESTION AS TO THE CHARACTER, LOYALTY, ASSOCIATES, REPUTATION AND MORALS OF THE APPOINTEE. HE STATED THAT THE APPOINTEE HAS DONE AN OUTSTANDING JOB AS FEDERAL CIRCUIT COURT JUDGE AT NYC SINCE HIS APPOINTMENT IN SIXTY ONE BY PREISDENT KENNEDY. HE STATED THAT HE WOULD FURTHER DESCRIBE THE APPOINTEE AS "FIRST RATE" AND WOULD BE IN COMPLETE AGREEMENT WITH ANY APPOINTMENT GIVEN THE APPOINTEE BY PRESIDENT JOHNSON IN A POSITION INVOLVING TRUST AND RESPONSIBILITY IN THE GOVERNMENT.

b7C

17 [REDACTED] NYC, ADVISED SA [REDACTED] ON JULY SIXTEEN THAT HE HAS KNOWN APPOINTEE FOR OVER TWENTY YEARS BOTH IN A SOCIAL AND PROFESSIONAL WAY. HE HAS ALWAYS FOUND APPOINTEE OPEN AND ABOVE BOARD IN HIS DEALINGS WITH HIM. APPOINTEE HAS ALWAYS CONDUCTED HIMSELF IN AN EXCELLENT WAY SOCIALLY, IS A MAN OF STRONG MORAL CONVICTIONS AND [REDACTED] HAD NO CONPUNCTIONS IN RECOMMENDING APPOINTEE FOR A HIGH POSITION OF TRUST IN GOVERNMENT SERVICE.

b7C

18 ON JULY SIXTEEN SIXTY FIVE, [REDACTED]
END PAGE TEN

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b7c

[REDACTED] NYC, ADVISED SA [REDACTED] THAT SHE HAS KNOWN THE APPOINTEE SINCE NINETEEN FORTY SIX WHEN BOTH WERE ASSOCIATED WITH THE NAACP LEGAL DEFENSE AND EDUCATIONAL FUND, INC., AT NYC. SHE STATED THAT IN SIXTY ONE THE APPOINTEE WAS APPOINTED BY THE LATE PRESIDENT KENNEDY AS A FEDERAL CIRCUIT COURT JUDGE IN NYC. SHE STATED THAT HER PREVIOUS STATEMENTS CONCERNING THE APPOINTEE PRIOR TO HIS BEING APPOINTED FEDERAL CIRCUIT COURT JUDGE REMAINED THE SAME IN ALL PHASES. SHE STATED THAT SHE FIRMLY BELIEVED THAT THE EXPERIENCE ATTAINED BY THE APPOINTEE WHILE LEGAL COUNSEL WITH THE NAACP OVER THE YEARS AS WELL AS HIS TENURE AS A FEDERAL COURT JUDGE WOULD PLACE THE APPOINTEE IN A POSITION OF ANY NATURE INVOLVING TRUST AND RESPONSIBILITY IN THE GOVERNMENT. [REDACTED] RELATED THAT THE APPOINTEE AND FAMILY WERE OF THE HIGHEST CHARACTER, LOYALTY, ASSOCIATES, MORALS AND REPUTATION. SHE STATED SHE WOULD HAVE NOTHING BUT THE HIGHEST RECOMMENDATION FOR THE APPOINTEE FOR A POSITION INVOLVING TRUST AND RESPONSIBILITY IN THE GOVERNMENT.

b7c

19

[REDACTED] ADVISED SA [REDACTED] ON JULY SIXTEEN SIXTY FIVE THAT HE HAS KNOWN THE APPOINTEE FOR APPROX
END PAGE ELEVEN

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b7C

FIFTEEN YEARS. [REDACTED] STATED HE KNEW HIM FIRST WHEN [REDACTED] AND THE THE APPOINTEE WAS HEAD OF THE NAACP LEGAL DEFENSE FUND. [REDACTED] STATED THAT HE KNOWS THE APPOINTEE BOTH PROFESSIONALLY AND SOCIALLY AND HAS ALWAYS FOUND HIM TO BE A VERY ABLE LAWYER AND HIS INTEGRITY WAS BEYOND REPROACH. [REDACTED] STATED THAT HE HAS VISITED THE APPOINTEE-S HOME, KNEW HIS WIFE AND CHILDREN AND THAT THEY ARE A FINE FAMILY. [REDACTED] ADVISED THAT THE APPOINTEE-S MORAL CHARACTER, PERSONAL HABITS AND REPUTATION ARE BEYOND REPROACH AND NEVER HAS HE HAD ANY REASON TO QUESTION HIS LOYALTY TO THE U. S. [REDACTED] STATED THAT HE WOULD RECOMMEND THE APPOINTEE WITHOUT RESERVATIONS FOR A POSITION OF TRUST AND CONFIDENCE IN THE U. S. GOVERNMENT.

b7C

2° [REDACTED] NYC, AND RESIDING AT [REDACTED] NYC, ADVISED SA [REDACTED] ON JULY SIXTEEN SIXTY FIVE THAT HE HAS KNOWN THE APPOINTEE FOR APPROX FORTY YEARS AND IS ONE OF HIS OLDEST PERSONAL FRIENDS. [REDACTED] STATED THAT HE HAS KNOWN THE APPOINTEE FROM THE TIME HE WAS A YOUNG MAN AND HAS WATCHED HIM GROW UP TO BE THE WONDERFUL PERSON AND ABLE LAWYER THAT HE IS TODAY. [REDACTED] STATED THAT THE APPOINTEE IS EMINENTLY QUALIFIED TO HANDLE ANY POSITION THAT THE GOVERNMENT MIGHT HAVE IN MIND
END PAGE TWELVE

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PAGE THIRTEEN /NY 77-26395/

FOR HIM AS EVIDENCED BY HIS RECORD AS A FEDERAL JUDGE. [REDACTED] ADVISED THAT THE APPOINTEE IS A MAN OF THE HIGHEST PERSONAL IDEALS AND PERSONAL STANDARDS AND THAT HIS MORAL CHARACTER AND HIS LOYALTY TO HIS COUNTRY IS BEYOND REPROACH. [REDACTED] ADDED THAT HIS PERSONAL INTEGRITY, HONESTY, HIS ABILITY AND HIS REPUTATION AS A PERSON, AS A LAWYER AND A JUDGE IS OUTSTANDING. [REDACTED] STATED THAT HOLDING THE APPOINTEE IN THE HIGHEST RESPECT HE WOULD RECOMMEND THE APPOINTEE FOR ANY POSITION OF TRUST AND CONFIDENCE IN THE U. S. GOVERNMENT.

b7c

2 ON JULY SIXTEEN SIXTY FIVE, [REDACTED] NY, ADVISED SA [REDACTED] THAT HE HAS KNOWN JUDGE THURGOOD MARSHALL FOR TWENTY FIVE YEARS. HE STATED THAT HE WAS [REDACTED] TO THE APPOINTEE WHO HEADED THE LEGAL OFFICE OF THE NAACP IN THE EARLY NINETEEN FORTIES, WHEN THAT OFFICE WAS LOCATED AT SIXTY NINE FIFTH AVE., NYC, AND LATER AT TWENTY WEST FORTIETH ST., NYC. [REDACTED] SAID THAT THIS OFFICE IS PRESENTLY KNOWN AS THE LEGAL DEFENSE AND EDUCATION FUND LOCATED AT TEN COLUMBUS CIRCLE, NYC. [REDACTED] STATED THAT THE APPOINTEE RE-

END PAGE THIRTEEN

1266

PAGE FOURTEEN /NY 77-26395/

CEIVED GREAT JUDICIAL EXPERIENCE IN THIS OFFICE AND THROUGH THE YEARS HAS ACQUIRED AN OUTSTANDING LEGAL BACKGROUND. HE SAID THE APPOINTEE HAS APPEARED IN AT LEAST THIRTY EIGHT TO FORTY CASES BEFORE THE U. S. SUPREME COURT AS WELL AS MANY TIMES IN VARIOUS OTHER HIGH FEDERAL COURTS AND IN THIS REGARD, IS ONE OF THE MOST EXPERIENCED ATTORNEYS IN THE U. S. IN THIS PRACTICE.

HE SAID THAT HE KNOWS THE APPOINTEE VERY WELL, HAVING BEEN IN CLOSE ASSOCIATION WITH HIM FOR TWENTY FIVE YEARS, AND REGARDS HIM AS A LOYAL AMERICAN OF GOOD CHARACTER, REPUTATION, MORALS AND ASSOCIATES, CONCERNING WHOM HE KNOWS NO DEROGATORY INFO. HE ADVISED THAT HE HAS HAD MANY OCCASIONS TO OBSERVE THE APPOINTEE IN THE CIRCUIT COURT OF APPEALS, SECOND DISTRICT, WHERE THE APPOINTEE HAS DONE AN OUTSTANDING JOB EXHIBITING FIRST RATE LEGAL ABILITY. HE BELIEVES THE APPOINTEE HAS A GOOD GRASP OF CONSTITUTIONAL INTERPRETATION OF VARIOUS CRIMINAL STATUTES AND SITUATIONS AND IS CLOSELY ASSOCIATED AND ALIGNED IN HIS THINKING WITH U. S. SUPREME COURT JUDGE TOM CLARK. b7c

[REDACTED] SAID THAT HE CONSIDERS ANY ADVANCE THAT THE APPOINTEE MIGHT MAKE IN THE LEGAL FIELD WOULD BE FOR THE BETTERMENT OF THE
END PAGE FOURTEEN

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PAGE FIFTEEN /NY 77-26393/

U. S. HE SAID HE WOULD RECOMMEND THE APPOINTEE FOR ANY POSITION OF TRUST
IN THE U. S. GOVERNMENT. b7c

~ ON JULY SIXTEEN SIXTY FIVE [REDACTED]

[REDACTED] NYC, ADVISED SA [REDACTED] THAT HE IS [REDACTED]

[REDACTED] NYC. [REDACTED] STATED THAT HE KNEW THE APPOINTEE-S
PARENTS AND HAS KNOWN THE APPOINTEE SINCE HIS BIRTH. [REDACTED] STATED THAT
HE SAW HIM GROW UP [REDACTED] AT THE APPOINTEE-S WEDDING. [REDACTED]
ADDED THAT THE APPOINTEE WAS A DEVOTED FAMILY MAN, A TRUE AMERICAN AND
"ONE ON WHOM HE WOULD BET HIS LIFE". [REDACTED] STATED THAT HE COULD NOT
SPEAK TOO HIGHLY OF THE APPOINTEE AND THAT HE WAS A MAN OF GREAT PER-
739\-\frac{3}{4} CHARACTER, PERSONAL HABITS, AND ABILITY IN THE FIELD OF LAW. [REDACTED]
ADDED THAT HIS LOYALTY TO HIS COUNTRY WAS NOT TO BE QUESTIONED. [REDACTED]
STATED THAT BECAUSE OF THE APPOINTEE-S KINDNESS, LOYALTY, CHARACTER,
AND DEVOTEDNESS TO HIS COUNTRY, HE WOULD RECOMMEND HIM FOR ANY
POSITION OF TRUST AND CONFIDENCE WITH THE U. S. GOVERNMENT.

END PAGE FIFTEEN 126

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b7C

27 ON JULY SIXTEEN SIXTY FIVE, [REDACTED]

[REDACTED] NYC, ADVISED SA [REDACTED]

[REDACTED] THAT HE HAS KNOWN THE APPOINTEE SINCE JUNE FIFTY SEVEN, AND CONSIDERS HIM TO BE A GREAT AMERICAN AND A PERSON OF THE HIGHEST INTEGRITY. [REDACTED] DESCRIBED THE APPOINTEE AS A PERSON WHO HAS COURAGE IN HIS BELIEFS AND A GREAT CONVICTION FOR THE WELFARE OF PEOPLE. [REDACTED] THE APPOINT

HAS HANDLED LEGAL MATTERS IN A HIGHLY COMPETENT MANNER AND ENJOYS AN EXCELLENT REPUTATION AMONGST HIS FRIENDS AND ASSOCIATES. [REDACTED] STATED THAT THE APPOINTEE IS UNQUESTIONABLY LOYAL TO THE U. S. AND HE HIGHLY RECOMMENDS THE APPOINTEE FOR A POSITION WITH THE U. S. GOVERNMENT.

b7C

24 [REDACTED]
OF NEW YORK, ADVISED SA [REDACTED]
THAT HE PRESENTLY HAS [REDACTED]

[REDACTED] ON JULY SIXTEEN SIXTY FIVE

END PAGE SIXTEEN

12

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b7c

[REDACTED]
[REDACTED] ADVISED HE HAS HAD ONLY LIMITED SOCIAL CONTACTS WITH JUDGE THURGOOD MARSHALL SINCE HIS APPOINTMENT AS A U. S. JUDGE IN SIXTY ONE. HE CONTINUED BY STATING HE FEELS FROM WHAT HE HAS HEARD OF JUDGE MARSHALL-S ACTIONS SINCE BEING PUT ON THE BENCH THAT HE POSSESSES THE SAME, IF NOT MORE SO, HIGH QUALITY AND ATTRIBUTES NEEDED BOTH FOR A GENTLEMAN AND A JUDGE AS HE DID IN SIXTY ONE.

HE CONSIDERED JUDGE MARSHALL TO POSSESS THE HIGHEST LEGAL REPUTATION POSSIBLE BECAUSE OF HIS LONG CONDITIONING WHICH ENABLED HIM TO LISTEN TO BOTH SIDES OF AN ARGUMENT UNBIASEDLY. [REDACTED] FELT THAT JUDGE MARSHALL-S RECENT YEARS ON THE BENCH SHOWED THAT HE HAS AN IDEAL JUDICIAL TEMPERAMENT.

IN CONCLUSION, [REDACTED] COMMENTED HE KNEW OF NO REASONS TO QUESTION JUDGE MARSHALL-S LOYALTY, CHARACTER OR ASSOCIATES.

b7c

ON JULY SIXTEEN SIXTY FIVE [REDACTED] AND [REDACTED]
[REDACTED] FOLEY SQUARE, NYC, ADVISED SA [REDACTED]
THAT THEY WERE NOT ACQUAINTED WITH THE APPOINTEE EITHER OFFICIALLY OR
END PAGE SEVENTEEN

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PERSONALLY.

ON JULY SIXTEEN SIXTY FIVE THE RECORDS OF THE NEW YORK TIMES MORE WERE REVIEWED BY IC [REDACTED] AN ARTICLE ENTITLED, "NEW VISTA GIVEN TO EPISCOPALIANS" APPEARED IN THE OCTOBER TWENTY FOURTH ISSUE OF "THE NEW YORK TIMES" AND CONTAINED INFO CONCERNING THE APPOINTEE. A COPY OF THIS ARTICLE IS BEING SUBMITTED BY AIRTEL.

b7c

25 ON JULY SIXTEEN SIXTY FIVE MAX YERGAN, PINESBRIDGE ROAD, OSSINING NEW YORK, ADVISED SA [REDACTED] THAT SINCE NINETEEN SIXTY ONE HE HAS SEEN THE APPOINTEE ON ONLY ONE OR TWO OCCASIONS FROM A DISTANCE. HE STATED THAT HE HAS NO ADDITIONAL INFO CONCERNING THE APPOINTEE AND THAT HIS OPINIONS OF THE APPOINTEE-S CHARACTER, REPUTATION AND LOYALTY HAVE NOT CHANGED SINCE SIXTY ONE. HE WOULD RECOMMEND APPOINTEE FOR ANY POSITION OF TRUST AND CONFIDENCE WITH THE U. S. GOVERNMENT.

b2, b7D
C
WHO

ON [REDACTED] WHO HAS FURNISHED RELIABLE INFO IN THE PAST, ADVISED THAT [REDACTED]
END PAGE EIGHTEEN

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b7c

[REDACTED] COMMITTEE TO SECURE JUSTICE FOR MORTON SOBELL /CSJMS/ STATED THAT [REDACTED] FELT SOBELL WOULD HAVE A BETTER CHANCE IN COURT IN VIEW OF THE STATEMENT BY US APPEALS COURT JUDGE THURGOOD MARSHALL. JUDGE MARSHALL, ACCORDING TO [REDACTED] INDICATED THAT IF ETHEL ROSENBERG APPEARED BEFORE HIS COURT AT THE PRESENT TIME, SHE WOULD BE GRANTED A NEW TRIAL.

MORTON SOBELL WAS CONVICTED ON MARCH TWENTY NINE FIFTY ONE IN THE USDC, SDNY OF CONSPIRACY TO COMMIT ESPIONAGE ON BEHALF OF THE SOVIET UNION, AND WAS SENTENCED ON APRIL FIVE FIFTY ONE TO THIRTY YEARS IMPRISONMENT. HE IS CURRENTLY SERVING HIS SENTENCE IN THE CUSTODY OF THE ATTORNEY GENERAL.

JULIUS AND ETHEL ROSENBERG WERE CONVICTED IN THE USDC, SDNY ON MARCH TWENTY NINE FIFTY ONE OF CONSPIRACY TO COMMIT ESPIONAGE ON BEHALF OF THE SOVIET UNION. THE ROSENBERGS WERE SENTENCED TO DEATH ON APRIL FIVE FIFTY ONE. THEY WERE LEGALLY EXECUTED AT SING SING PRISON, OS-SINING, NEW YORK, ON JUNE NINETEEN FIFTY THREE.

DOCUMENTATION OF THE CSJMS BEING FORWARDED BY AIRTEL.
END PAGE NINETEEN

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ON JULY SIXTEEN SIXTY FIVE, [REDACTED]
NEW YORK STATE SUPREME COURT, APPELLATE DIVISION, FIRST JUDICIAL DEPT.,
TWENTY FIFTH ST. AND MADISON AVE., NYC, ADVISED IC [REDACTED] THAT
THERE IS NO RECORD CONCERNING THE APPOINTEE.

ON JULY SIXTEEN SIXTY FIVE, [REDACTED]
NEW YORK STATE SUPREME COURT, APPELLATE DIVISION, SECOND JUDICIAL DEPT.,
FORTY FIVE MONROE PLACE, BROOKLYN, NY, ADVISED IC [REDACTED] THAT THERE IS
NO RECORD CONCERNING THE APPOINTEE.

ON JULY SIXTEEN SIXTY FIVE, [REDACTED]
[REDACTED] ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK,
FORTY TWO WEST FORTY FOUR ST., NYC, ADVISED IC [REDACTED] THAT THE APPOINTEE
WAS ELECTED MARCH SIXTY THREE TO THIS BAR ASSOCIATION.

ON JULY SIXTEEN SIXTY FIVE, [REDACTED]
ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK, FORTY TWO WEST FORTY
FOUR ST., NYC, GRIEVANCE COMMITTEE, ADVISED IC [REDACTED] THAT THERE IS NO
RECORD CONCERNING THE APPOINTEE.

ON JULY SIXTEEN SIXTY FIVE, [REDACTED]
NEW YORK COUNTY LAWYER-S ASSOCIATION, FOURTEEN VESEY ST., NYC, ADVISED
END PAGE TWENTY

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b7c

IC [REDACTED] THAT THE APPOINTEE WAS ADMITTED IN NINETEEN THIRTY SIX.

ON JULY SIXTEEN SIXTY FIVE, [REDACTED]
BROOKLYN BAR ASSOCIATION, ONE TWO THREE REMSEN ST., BROOKLYN, NY,
ADVISED IC [REDACTED] THAT THERE IS NO RECORD CONCERNING THE APPOINTEE.

IN JULY SIXTY FIVE, SEVERAL CONFIDENTIAL SOURCES FAMILIAR WITH SOME
PHASES OF CP ACTIVITY IN THE NYC AREA ADVISED THAT THEY HAD NO PERSONAL
KNOWLEDGE OF THE APPOINTEE.

b7c

ON JULY SIXTEEN SIXTY FIVE, [REDACTED] CREDIT BUREAU
OF GREATER NEW YORK, ADVISED IC [REDACTED] THAT HER RECORDS RE-
FLECT FAVORABLE CREDIT RATINGS FOR THE APPOINTEE [REDACTED]

[REDACTED] ADVISED THAT SHE COULD LOCATE NO RECORD FOR [REDACTED]

ON JULY SIXTEEN SIXTY FIVE [REDACTED] POUGHKEEPSIE
CREDIT BUREAU, WHICH COVERS AMENIA, NY, ADVISED SA [REDACTED] THAT
HE HAD NO RECORD FOR THE APPOINTEE OR [REDACTED]

ON JULY SIXTEEN SIXTY FIVE [REDACTED]
[REDACTED] DUTCHESS COUNTY SHERIFF-S OFFICE, POUGHKEEPSIE, NY, ADVISED
END PAGE TWENTY ONE

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SA [REDACTED] THAT HE COULD LOCATE NO RECORD FOR THE APPOINTEE OR [REDACTED]
[REDACTED]

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ON JULY SIXTEEN SIXTY FIVE, SA [REDACTED] CAUSED THE RECORDS
THE NYCPD TO BE CHECKED BY [REDACTED] BUREAU
OF CRIMINAL IDENTIFICATION., [REDACTED] INFORMATION UNIT.

[REDACTED] OLD RECORD ROOM /ALL OF THE ABOVE OF THE NEW YORK
CITY POLICE DEPT./., AND [REDACTED] FINGERPRINT BUREAU, CRIM
NAL COURT OF THE CITY OF NEW YORK. NO RECORD WAS LOCATED FOR THE AP-
POINTEE, [REDACTED] OR [REDACTED]

ON JULY SIXTEEN SIXTY FIVE, [REDACTED] BUREAU O
SPECIAL SERVICES, NYCPD, ADVISED SA [REDACTED] THAT HE COULD LOCATE NO
RECORD FOR THE APPOINTEE OR HIS RELATIVES.

b7c

ON JULY SIXTEEN SIXTY FIVE, [REDACTED] USDC, SDNY,
FOLEY SQUARE, NYC, ADVISED SA [REDACTED] THAT HER RECORDS
FAILED TO DISCLOSE THAT THE APPLICANT HAD BEEN ADMITTED TO PRACTICE
END PAGE TWENTY TWO

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BEFORE THE FEDERAL COURT OF THE SDNY.

ON JULY SIXTEEN SIXTY FIVE, [REDACTED] USDC, EDNY, TWO TWO FIVE WASHINGTON ST., BROOKLYN, NY, ADVISED THAT HER RECORDS SUBSEQUENT TO NINETEEN FORTY FAILED TO DISCLOSE THAT THURGOOD MARSHALL HAD BEEN ADMITTED TO PRACTICE IN THE FEDERAL COURT. RECORDS PRIOR TO NINETEEN FORTY WERE NOT AVAILABLE FOR REVIEW.

ATTEMPTS WERE MADE TO CONTACT THE FOLLOWING INDIVIDUALS WHO WERE INTERVIEWED CONCERNING THE APPOINTEE IN NINETEEN SIXTY ONE AND WHO WERE UNAVAILABLE AT THIS TIME..

[REDACTED]

ON JULY SIXTEEN SIXTY FIVE, NY SIX NINE FOUR - S ADVISED SA [REDACTED] THAT HE COULD FURNISH NO ADDITIONAL INFO CONCERNING THE APPOINTEE.

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INTERVIEW OF [REDACTED] SCHEDULED FOR JULY SEVENTEEN IN-
END PAGE TWENTY THREE

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STANT AND NYO WILL SUTEL RESULTS.

REPORT TO FOLLOW.

END

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